

JOURNAL
OF THE
SENATE

OF THE
COMMONWEALTH OF KENTUCKY,

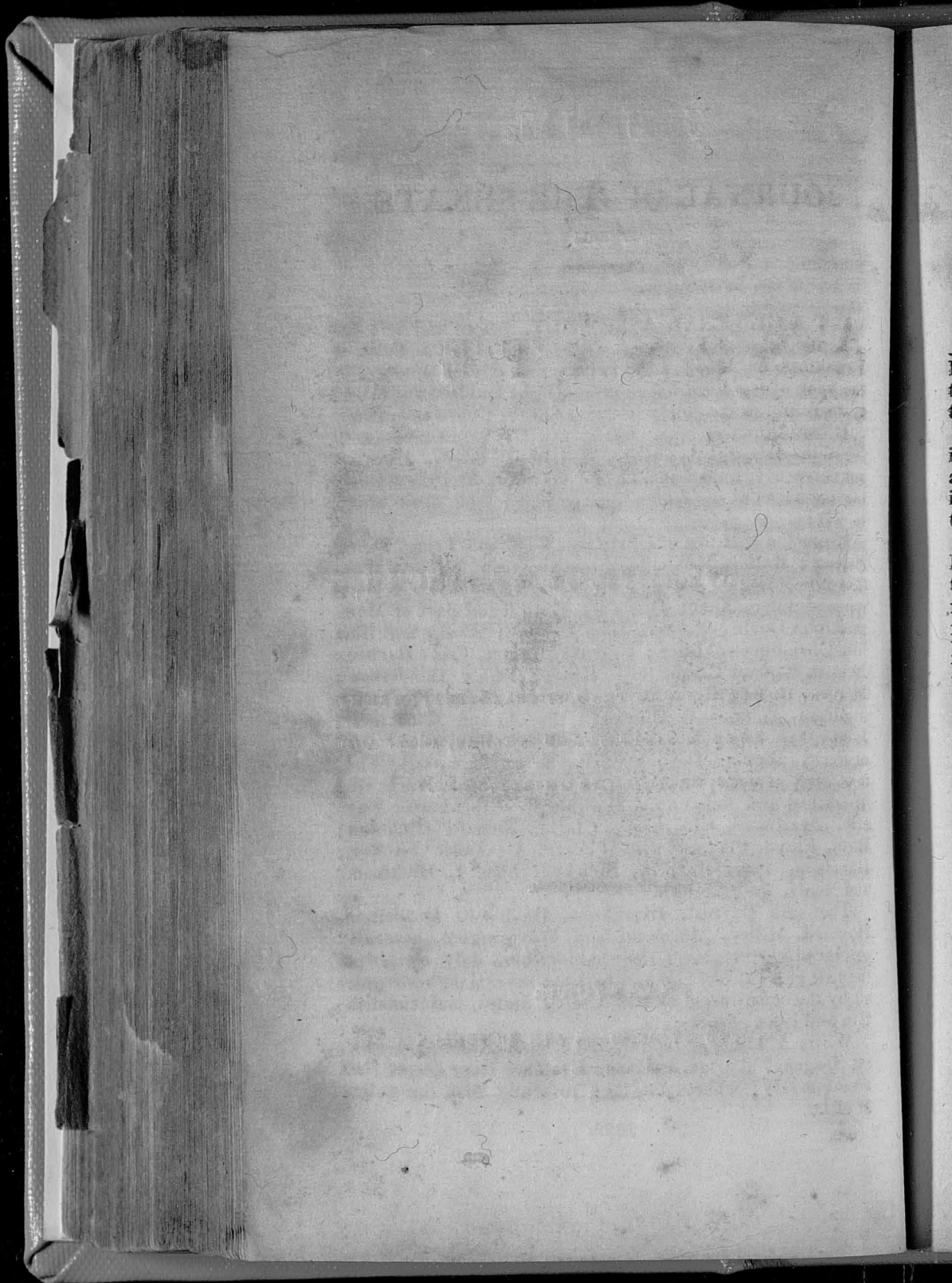
BEGUN AND HELD IN THE TOWN OF FRANKFORT, ON MON-
DAY THE TWENTY-FIRST DAY OF OCTOBER, 1822, AND
OF THE COMMONWEALTH THE THIRTY-FIRST.

FRANKFORT:

PRINTED BY KENDALL AND RUSSELL,

PRINTERS FOR THE STATE;

1822.



JOURNAL OF THE SENATE.

A T A GENERAL ASSEMBLY. begun and held for the State of Kentucky, at the Capitol in the Town of Frankfort, on Monday the twenty first day of October, in the year of our Lord one thousand eight hundred and twenty-two, and in the thirty first year of the Commonwealth.

It being the day appointed by law for the annual meeting of the General Assembly, William T. Barry, Lieutenant Governor, appeared and took the chair, and the following members of the senate appeared and took their seats, to wit:

From the counties of Christian, Todd and Trigg, Young Ewing; Butler, Muhlenburg and Grayson, William Worthington; Logan and Simpson, Charles Morehead; Warren and Allen, Anack Dawson; Barren and part of Monroe, John Gorin; Pulaski, John Cowan; Hardin and Bullitt, Christopher Miller; Green and Hart, Elias Barbee; Nelson, Samuel Carpenter; Henry, Isham Henderson; Mercer, Robert B. M'Affee; Garrard, John Faulkner; Madison, Thomas C. Howard; Lincoln and Rockcastle, James Davidson; Knox, Clay, Whitley, Harlan and part of Perry, Richard Ballinger; Boone and Campbell, Thomas D. Carneal; Franklin and Owen, John J. Marshall; Woodford and Jessamine, William B. Blackburn; Fayette, Matthews Flournoy; Clarke, Richard Hickman; Bath, Floyd, Pike and part of Perry, Alexander Lackey; Harrison, Peter Barrett; Bourbon, John L. Hickman; and Scott, Rhodes Smith.

The said Barrett, Blackburn, Davidson, Henderson, Howard, Miller, Morehead and Worthington, severally produced certificates of their having been duly elected at the last general election and took the several oaths required by the constitution of the United States, and constitution and laws of this state.

Willis A. Lee was then elected Clerk, Anthony Crockett Sergeant at arms, and John Crutcher Door keeper; all unanimously; whereupon, they severally took the oaths of office.

A message from the House of Representatives by Mr. Cowan :

Mr. Speaker—The House of Representatives have formed a quorum, elected their officers, and are now ready to proceed to legislative business.

And then he withdrew.

Ordered, that Mr. Barbee inform the House of Representatives that the Senate have formed a quorum, elected their officers, and are now ready to proceed to legislative business.

Ordered, That a message be sent to the House of Representatives, informing them that the senate have appointed a committee to co operate with a committee to be appointed on the part of that house, to wait on the Governor, and inform him that the legislature is organized, and ready to receive any communications he may think proper to make, and that Mr. Ewing carry said message.

A message from the House of Representatives by Mr. Cowan :

Mr. Speaker—The House of Representatives have appointed a committee to co operate with a committee from the Senate, to wait on the Governor, and inform him that the legislature is organized, and are ready to receive any communications he may think proper to make.

And then he withdrew.

Whereupon, Messrs. Ewing and Worthington were appointed a committee on the part of the senate.

The committee retired, and after some time returned, and Mr. Ewing reported, that the joint committee had performed the duty assigned them, and were informed by the Governor, that he would make a communication in writing by way of message to both branches of the legislature in their respective chambers, on to morrow between eleven and twelve o'clock.

The Speaker laid before the senate the following communication, to wit :

Dear Sir—In consequence of ill health, I am under the necessity of resigning my seat in the senate, for the residue of the term for which I was elected for the county of Mason.

Very Respectfully Yours,

JOHN PICKETT.

To the Hon. Speaker of the Senate, Frankfort.

October 18th, 1822.

Ordered, That a writ of election do issue to fill said vacancy; the election to be held on the first Monday in November next.

Ordered, That a committee of propositions and grievances be appointed, and thereupon a committee was appointed, consisting of Messrs. Ewing, Marshall, Howard, Flournoy, R. Hickman, Davidson, Dawson and J. L. Hickman, and such other members as may from time to time choose to attend; who are to meet and adjourn from day to day, and take into consideration all propositions and grievances that may be referred to them from time to time, and report their proceedings, together with their opinion thereupon, to the senate; and the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of privileges and elections be appointed; and thereupon a committee was appointed, consisting of Messrs. Faulkner, Ward, Towles, Beauchamp, Gorin, Miller and Morehead; who are to meet and adjourn from day to day, and take under consideration and examine in the first place, all the returns for the election of senators to serve in the present general assembly, and compare the same with the forms prescribed by law; and to take into consideration all questions concerning privileges and elections, and to report their proceedings, together with their opinion thereupon, to the senate; and the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee for courts of justice be appointed; and thereupon a committee was appointed, consisting of Messrs. Roper, Blackburn, Owens, Henderson, Pope, M'Afee, Carneal and Carpenter; who are to meet and adjourn from day to day, and take into consideration all matters relating to courts of justice, and such other matters as shall from time to time be referred to them; and report their proceedings, together with their opinion thereupon, to the senate; and the said committee are to inspect the journal of last session and draw up a statement of the matters then depending and undetermined, and the progress that was made therein. Also, to examine what laws have expired since the last session, and inspect such temporary laws as are near expiring, and to report the same to the senate, with their opinions which of them ought to be revived and continued; and the said committee shall have power to send for persons, papers and records for their information.

Ordered, That a committee of religion be appointed; and thereupon a committee was appointed, consisting of Messrs. Smith, Lackey, Worthington, Bowman, Mountjoy, Cowan and Barrett; who are to meet and adjourn from day to day, and take into consideration all matters and things relating to religion and morality, and such other matters as may from time to time be referred to them; reporting their opinion thereupon to the senate; and the said committee shall have power to send for persons, papers and records for their information.

Cuthbert S. Anderson was then elected clerk to the standing committees.

And then the senate adjourned.

TUESDAY, OCTOBER 22, 1822.

The senate assembled.

Samuel W. White, senator from the county of Shelby, and Chittenden Lyon, from the counties of Caldwell, Livingston and Hickman, severally appeared, produced certificates of their having been elected at the last general election, and taking the several oaths of office, took their seats.

Alexander Pope, senator from the county of Jefferson, appeared and took his seat.

Ordered, That the rules of the last session be adopted as the rules of this, and that the public printers forthwith print 150 copies thereof for the use of the senate,

Ordered, That the clerk be permitted to avail himself of the assistance of Messrs. Jacob Swigert and Alexander H. Rennick, in the execution of his office during the present session.

On motion of Mr. M'Affee, leave was given to bring in a bill to regulate the sales of lands for taxes, and Messrs. M'Affee, Marshall and Flounoy, were appointed a committee to prepare and bring it in.

The senate received from the Governor by the Secretary of state, a message in writing, which was taken up and read as follows, to wit:

*Fellow Citizens of the Senate,
and of the House of Representatives,*

AMID the rich and numerous blessings with which Providence has signalized our happy country, we have not been

wholly exempted from some of its severest calamities. While peace, tranquility, and order, have reigned throughout the land; while the fruits of the earth have repaid the labor of the husbandman with a bounteous profusion, and every species of industry and skill have been liberally encouraged by the rewards of reviving commerce; while our people have witnessed, with joy and thankfulness, the masculine growth of their favorite institutions, and hailed, with sentiments of just and exalted pride, the glorious triumphs of that redeeming spirit, inspired by their own example, which, in distant regions of the world, impelled the votaries of Republican Freedom to plant her standard on the grave of departed Despotism; the sudden incursions of sickness and of death, have cast an unexampled gloom over different portions of our healthful state. In common with several of her sister states, Kentucky, during short periods of the summer and autumn, experienced an unusual visitation of disease. When we look back on the sufferings inflicted by the prevalence of a general malady, and remember—who can forget it? that we have been deprived of some of our most valuable and respected citizens, it is with hearts full of gratitude to a kind Providence, that our minds are averted from the painful retrospect, by the welcome and consolatory assurance, that the evil has departed, and that returning health, with her long train of blessings, occupies again her accustomed abode.

The general assembly has legislated so fully on the great interests of Education, that it only remains for them to give successful operation to their wise and liberal plans, by a patient and persevering application of the means which have been appropriated for the attainment of the most laudable and necessary objects. You will have before you, during the present session, the result of the diversified enquiries and united deliberations of the joint committee heretofore appointed on the subject of Common Schools, and will not fail to avail yourselves of all the lights to be expected from the report of that committee, in any subsequent modifications which experience shall suggest, or a more minute knowledge of the subject may recommend, in the practical developement of the system adopted.

The State University continues to flourish. Its recent growth is unrivalled; and the benefits it dispenses are diffused far beyond the limits of our own state. When we consider how large a sum of money it retains among us, which would otherwise be expended abroad, in educating

our youth in habits and opinions not the most happily adapted to render them useful at home; and that it attracts from other states a considerable amount, that could not in a different mode be obtained, this institution might well be estimated by Avarice itself, as worth all the care and expence it has cost. But when we regard it as a distinguished seat of science, affording all the means for the attainment of knowledge, which are common to any seminary of learning in the United States, the advantages of its rich and imperishable contributions to our moral strength and intellectual acquisitions, are not to be calculated by the standard of wealth, but of glory. We may be permitted to felicitate ourselves on the rapid and general dissemination of useful and liberal knowledge through all classes of society, and to hail, with sentiments of deep delight, the auspicious era, at which Philosophy and the Muses claim a residence in the receding wilderness of the west.

Our Colleges and Schools, fostered by that nascent spirit of improvement which pervades the whole community, are daily multiplying the sources of instruction, and extending the sphere of their usefulness. In several of the former, although comparatively in their infancy, a complete course of academical learning is given; and in others, is postponed only for the want of competent teachers—a defect soon to be remedied by the alumni of the University.

Your predecessors, duly impressed with the importance of education in a government like ours, have made it a subject of legislative concernment. Thus it becomes your duty to inspect the existing institutions of learning, to correct their errors, and supply their wants; and thus an opportunity is afforded you of participating in the high honors which are due to those who enlighten and reform the public mind.

The Digest of the Statute Law now in force in this commonwealth, authorised by the act of December 6, 1821, has been executed and approved; and in the course of the next month, will be ready for distribution. It is believed that the work will fully meet the expectations of the legislature, and prove itself of immense utility to the community at large.

The subject of our Currency will, no doubt, occupy a portion of your deliberations, and it may be expected that I will not remain wholly silent on so important a topic. Permit me to remark, that the great and complicated concerns of

finance, can receive but little advancement from the frequency of legislation. The constancy and patience of virtuous economy, the victorious energies of well directed industry, and the demands of foreign commerce, regulate the wants and acquisitions of every people. It is true, that communities, like individuals, are some times doomed to endure the severities of unlooked for disaster. Extraordinary emergencies and inevitable calamities impose the adoption of appropriate expedients to avert or mitigate the sufferings that attend them. The safety of society becomes the ruling motive of the law, and every controlling power of the state, must submit to the paramount law of necessity. But as such a condition of affairs is unnatural, its continuance must be destructive; and that people, the rigor of whose circumstances compels them often to depart from the established order of their legislation, and long to require the extraneous aid of unusual remedies, must lose, in time, the graceful consistency of their national character, and weaken the salutary influence of those venerable usages, the sanctity of whose immemorial authority exerts so persuasive an influence over the affections of the heart. If the legislature of Kentucky has been compelled to yield for a season, to the imperious nature of causes which it could not subdue, and in devising measures requisite to ensure the general welfare, has sanctioned means not heretofore usually employed, let it never be forgotten, that the measures adopted have completely realized their proposed end; that an agitated and endangered population of half a million of souls, has been tranquilized and secured without the infliction of legal injustice, or the example of violated morality. I rejoice that the hour is near at hand, when we may change, without the fear of injury, our precautionary attitude, and mingling freely in the emulative pursuits of nations, with increased vigor urge forward our career of wealth, of power and of fame.

I respectfully suggest for your consideration, the propriety of authorising by law, the Bank of Kentucky to pay, in a short period of time, into the Bank of the Commonwealth, in the notes of the latter, the whole amount of capital stock owned by the state in the former. Such a measure, by withdrawing at once from circulation, at least one sixth of the entire amount of notes issued by the Bank of the Commonwealth, already considerably reduced by regular calls on the principal loaned, and the payment of accruing interest, could not fail, greatly and suddenly, to raise the

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credit of its paper. If to this, a provision were added, authorising the directors to make discretionary calls on her debtors, the legislature would have done all in relation to that institution, which it appears to me expedient to do at this time. The measures alluded to, would afford a satisfactory demonstration to the minds of all candid men, of your justice and fidelity. They would silence the clamors of those who have depreciated the credit of the paper, by impeaching the integrity of the public faith, and inspire the community with increased confidence in the final redemption of the notes. The resources pledged for this purpose would remain undiminished, while the aggregate amount of the notes to be redeemed would be daily decreasing, and their relative value correspondingly enhanced. That the state should receive in payment for her stock, the notes of the Bank of the Commonwealth, is peculiarly proper; because she holds at her own disposal the entire capital, on the faith of which those notes were issued. Every dollar that she receives, exempts the general fund appropriated for redemption, from its liability for an equal amount, and leaves the bank in possession of a valid claim on its debtor, who borrowed the sum thus withdrawn from circulation.

When the interest now held by the state shall have been withdrawn from the Bank of Kentucky, her direct participation in the government of that institution, as contemplated by existing provisions, will cease. The design of these regulations, it is hoped, will not be changed. The divided government of the private stockholders and the state, established by the original charter of the corporation, was impolitic and unequal; it has been the origin of much evil, and no advantage can be fairly anticipated from its longer duration.

The resources of that institution may enable it, during the ensuing year, to resume specie payments. This is an event most earnestly to be desired, and one which ought not to be delayed a moment longer than the inability to sustain such payments exists. When we consider the almost entire reduction of our foreign debt, the general change of private to public debtors, and the consequent indulgence and protection ensured to them; the vast returns of trade, the growth of economical habits, and the excitement to general industry, produced by the pressure of the times, we cannot doubt the removal of numerous and formidable obstacles that have impeded the usual current of business, and diverted our resources into new and unproductive channels.

The resumption of specie payments by the Bank of Kentucky would promote the rapid circulation of a large amount of capital that is at present wholly unemployed ; impart new life to commerce ; add powerful incentives to industry, and restore public confidence in the monied institutions of the country. Nor could the payment of specie by the Bank of Kentucky be in any manner detrimental to the Bank of the Commonwealth. By gradual, but not oppressive calls, and the operation of the measures before recommended, its notes in circulation, must soon be diminished to an amount, which, after discharging all the functions assigned them, will be inadequate to meet the requisitions made at bank. These requisitions must, therefore, be met by payment in specie or notes of the Bank of Kentucky ; which, by this indiscriminate and inevitable application, will be rendered of equal value to the notes of the Bank of the Commonwealth. If the whole amount of the circulating medium of the state shall be diminished, the inconvenience of such diminution will be more than compensated by the freedom of its circulation, and the facilities afforded by the reestablishment of credit. To produce these important results, it is true, that time is required : But time, in its silent and powerful developments, is always in advance of man's anticipations.

I cannot close this communication, without once more earnestly inviting the attention of the General Assembly to the subject of a Lunatic Asylum, and the condition of the State Penitentiary. To my previous communications I beg leave to refer, for an exposition of my general views in relation to these important but neglected institutions.—An inspection of the accounts of the Auditor, exhibiting the annual disbursements at the Treasury, for the maintenance of persons of unsound mind, and a comparison of this rapidly increasing item of public expenditure, with the probable expense attending the support and recovery of these unfortunate beings, embraced in the proposals of the manager of the Fayette Hospital, demonstrably establish the humiliating fact, that the present wretched and impracticable system, wholly inadequate as it is for every purpose of mental restoration, is supported at a charge more than sufficient to afford the afflicted sufferers every gentle and humane attention, and all the kindly aids of restoring skill, which form the constituent regulations of a well appointed asylum.

The Penitentiary system has been adopted by most of the North American Republics. This general sanction is honourable to our country, and worthy the imitation of all civilized nations. It is no longer a question whether the system is of practical utility, and its introduction a blessing to mankind. It is progressively and widely extending its triumphant march. The principles on which it rests, find easy converts and zealous advocates in every clime, where generous feeling and enlightened sentiments prevail; and the only enquiry among the friends of human happiness, freedom and reform, is, how can this benign invention be improved and perfected? Kentucky was among the first of the states that established a Penitentiary, and her example has contributed to propitiate general approbation.—How strange, how lamentable an instance of the mutability of opinion, if she should be the first to abandon a system she has so successfully recommended! Yet, the simple question which obtrudes itself is, will you have a Penitentiary? It is nugatory to amuse ourselves with flattering hopes of salutary amendments, when we are destitute of an adequate object to amend. I am not now urging upon your adoption a single improvement in the general system; but am driven to the melancholy supplication that you will not permit the system itself to perish. The existing establishment, in the best condition that the means afforded can place it, is merely a confined and ruinous work-shop, necessarily deprived of every concomitant aid, designed for the reformation of the convict, and furnishing within its walls, in spite of every available precaution, the opportunities and incentives to the most contaminating associations, and the promulgation of the most depraved principles.—From such a place, repentant virtue never can return.—With the present increase of our population, and in the existing state of society, such an institution is a curse; and the general assembly, in obedience to the force of circumstances, must very soon adapt it to the wants of our actual condition, or return to the bloody code of our fathers.

On a subject so momentous in its consequences to the most sacred rights of the community, I feel an extreme solicitude, which I shall not pretend to disguise. But this solicitude does not arise in the slightest degree, from a distrust of the justice and magnanimity of my country. To estimate this matter correctly, it is only necessary, rightly to consider it. This is not a money-making or a money-saving project. It is a magnificent plan devised by the spirit of phi-

lanthropy, and approved by the profoundest wisdom, to accelerate the progress of civilization ; to diminish the sufferings, and amend the morals of human-kind. In the support of such a plan, on the successful termination of which is deeply staked the dignity of our race, no frigid speculations of abstract policy ; no mercenary calculations of pecuniary profit, should retard the consumation of the noble design. The protection which every government owes to its citizens, includes every practicable amelioration of their condition ; and whatever may be the practice in arbitrary dominions, this is not a soil, the blood of whose sons is to be weighed in the balance against gold.

In relation however to the cost of their support, the convicts in your penitentiary, considered as mere labourers fed at the public expense, have not been unprofitable during the last year. The price of the manufactured articles during that period, ending with the month of September, exceeds the entire expences of the institution. The whole of these articles cannot be vended at this place ; and a large amount, including many articles manufactured during several preceding years, remains unsold. If the agent were authorised to distribute these for sale at the neighbouring towns, or to dispose of them by auction at stated times and places, similar losses and inconveniences might for the future be obviated.

It has been with regret, that I have observed the prodigious increase of legislation on local and individual interests, abundantly provided for through the judicial organs of the government. When you consider how large a portion of each session is consumed in transacting this description of business, and consequently how greatly the public expences are augmented, I am convinced, that, apart from all other considerations, you will deem this a subject worthy of your consideration, on the score of economy ; particularly as the practice is the more likely to grow, and is the more difficult to resist, by reason of the benevolence of the motives in which it originated.

My best wishes, gentlemen, will attend your deliberations, and my prompt and cordial co operation shall always be afforded, to ensure a happy result to the united discharge of our common duties.

JOHN ADAIR.

October 22d, 1822.

Ordered, That the public printers forthwith print one thousand copies thereof, for the use of the legislature.

Mr. M'Asce read and laid on the table resolutions for referring the various parts of the Governor's message to select committees.

And then the senate adjourned.

WEDNESDAY, OCTOBER 23, 1822.

The senate assembled.

The Lieutenant Governor being absent Mr. R. Hickman was unanimously elected Speaker for the occasion.

Mr. Jeroboam Beauchamp, a member of the senate from Washington county, appeared and took his seat.

The Speaker laid before the senate, a letter from the Auditor of Public Accounts, covering certain official statements, which were laid on the table as follows, to wit:

STATE OF KENTUCKY,

AUDITOR'S OFFICE, OCT. 23d, 1822.

Dear Sir—You will please to lay before the house over which you preside, the accompanying statements from No. 1 to 7 inclusive, and very much oblige

Yours Respectfully,

PORTER CLAY, Aud.

WILLIAM T. BARRY, Esq.

Lieut. Governor and Speaker of the Senate.

No. 1.

A statement of moneys received and paid at the Treasury during twelve months, ending on, and including the 10th of October 1822, to wit:

For the revenue collected by sheriffs

for the year	1817,	\$ 204 90
Ditto	1818,	820 89
Ditto	1819,	2458 04
Ditto	1820,	70185 22
Ditto	1821,	1454 30—75128 35

For taxes on law process, deeds, seals and other public documents, to wit:

Clerks of Courts,	10405 11
Register of the Land Office,	641 11—11046 21

Forwarded, 85,169 56

THE SENATE:

15

Amount brought forward,	86,169 56
Miscellaneous receipts,	41 21
From the Agent of the Penitentiary,	20708 49
For the dividends on the State's Stock in the Bank of Kentucky, to wit:	
For the six months ending the first day of January 1822,	14171 63
Ditto the first day of July 1822,	11934 00—26105 63
For tax on stock owned by individuals in the Bank of Kentucky,	7708 50
For tax on Nonresident's Lands,	2,310 64
For purchases of Nonresidents' lands,	409 59
	<hr/>
	\$ 143553 62

For Bank Stock Fund, to wit:	
Lands under the acts of 1795, 1796, and 1800,	6385 46
Ditto under the acts of 1815 and 20, 19226 97	
Ditto Tellico,	57 27
Ditto for encouraging the manufac- ture of salt,	41 00—25710 76
From Treasurer of the Town of Columbus,	2034 00
For the profits of the Bank of the Common- wealth of Kentucky, exclusive of appro- priations made by the legislature and the expences of the institution,	61248 34
	<hr/>

Total Received,	\$ 232446 66
Balance in the Treasury on the 10th Octo- ber 1821,	73810 78
	<hr/>
Grand Total,	\$ 306257 44

PAID SAME TIME,

Warrants reported to have been paid by the Treasurer,	175696 09
Stock subscribed by the Treasurer in the Bank of the Commonwealth of Kentucky, for which warrants did not issue and the same placed to his credit,	75715 13—251411 22
	<hr/>
Balance in the Treasury on the 10th day of October, 1822,	\$ 54846 22

No. 2.

A statement of warrants drawn by the Auditor on the Treasurer during twelve months, ending on, and including the 10th day of October 1822, shewing the amount drawn for each source of expenditure, the amount of warrants paid and unpaid in the same period, to wit :

Sheriffs for revenue of 1813 amount over paid	60 70
Ditto 1814 Ditto	29 00
Ditto 1820 Ditto	229 05
Bank Stock Fund (subscribed as stock in the Commonwealth's Bank of Kentucky,)	3,500 00
Drawbacks on vacant lands,	8 25
Attornies for 1819,	51 59
For the salaries of the Executive and Judiciary departments,	28,990 05
Loans to the Penitentiary,	21,352 79
Attornies,	5,272 56
Clerks for taxes overpaid,	1 00
Purchasers of Non-residents lands,	553 75
Public roads including an appropriation made to repair the road leading from Lexington to Nashville by the way of Muldrough's hill,	1,024 00
Sergeant of the Court of Appeals,	875 62
Pensioners,	75 00
Slaves Executed,	1,600 09
State boundary line,	300 50
Public Communication,	1,287 87
Surveyors,	239 05
Military expenditures,	314 50
Government House,	1,000 09
Money refunded, including taxes twice paid &c.	239 47
Electors,	4 80
Sheriffs comparing polls,	111 85
Legislature, October session 1121, including the daily attendance and mileage of the members and the pay of witnesses,	20,570 26
Appropriations, October session 1821, including the compensation to the several officers of the Legislature, Public Printer, fuel and all other expences enumerated in the bill, except the compensation to the Speaker of each house. Also, an appropriation to the Louisville Hospital, amounting in all to	23,580 17

THE SENATE.

17

Commissioners of Tax,	7,535 50
Lunatics,	15,490 44
Clerk's services, including ex officio services, copying commissioner's books and for books and presses for the use of their offi- ces,	7,601 74
Jailers, for their attendance on circuit courts, dieting criminals, &c.	4,763 83

\$146,754 32

Contingent expences, including the costs of distributing the Acts and Journals of the Legislature, October session 1821, and al- so the compensation allowed the Judges of the Court of Appeals for examining the Digest of the Laws of Kentucky, by Swi- gert and Littell,	8,233 37
Executive offices, for fuel, stationary, &c.	2,394 55
Criminal prosecutions.	10,439 76
Legislature, May session 1822, including the daily attendance of the members, &c.	6,223 47
Appropriations, May session 1822, including all the expences in the bill, except the pay of the Speakers of each house,	6,175 43
Lands West of the Tennessee River; for ad- vertising said lands in sundry newspapers in this and other states,	359 19

175,580 09

Amount of Warrants issued,	
Amount of Stock subscribed in the Bank of the Commonwealth of Kentucky, for which warrants did not issue,	75,715 13

251,295 22

Total amount of expenditures,	
Warrants unpaid on the 10th of October 1821 that issued since the 17th of March 1810.	
All others issued prior to the above date are presumed to have been paid,	262 07

251,557 29

Warrants reported to have been paid by the Treasurer up to the 10th of October 1822. (See Statement No. 1.)	175,696 09
The total amount of Stock subscribed in the Bank	

C.

of the Commonwealth of
 Kentucky this year, is 79,215 13
 Of which a warrant issued
 for 3,500 00-75,715 13-251,411 22

Warrants unpaid on the 10th of Oct. 1822, \$ 146 07

No. 3.

A statement of balances due to government on the 10th of October 1822, to wit:

Of the revenue collectable by sheriffs, there is

due for the year	1793	104 06
Ditto	1794	138 61
Ditto	1796	1,845 36
Ditto	1798	101 36
Ditto	1799	217 25
Ditto	1800	172 26
Ditto	1802	31 99
Ditto	1803	1,662 21
Ditto	1806	613 26
Ditto	1807	279 43
Ditto	1809	48 58
Ditto	1811	52 44
Ditto	1815	10 26
Ditto	1817	2,056 44
Ditto	1819	1,294 89
Ditto	1820	3,042 08
Debts receivable,		7,127 84
Commissioners of navigation,		1 82
Tax on independent banks,		1,105 06
Clerks, for taxes,		3,681 13
Loans to the penitentiary,		18,972 22
Lands west of Tennessee river,		359 19
Treasurer of the town of Columbus,		922

Total debts due, \$43,839 74

No. 4.

A statement of balances due from the government, on the first of October 1822, and for which the amount in the treasury on the same day is, under the existing laws, subject to the payment of the same, to wit:

Sheriffs of 1813, for amount overpaid,	8 32
Attorneys for 1819,	86 96
Purchasers of non-residents' lands,	247 20

THE SENATE.

19

Warrants unpaid,	146 07
Bank stock fund,	463 56
Attorneys,	1,069 32
Salaries,	4,162 50
Total amount of debts due,	<u>\$ 6,183 93</u>

No. 5.

A statement showing the probable amount of expenditures of the government, for the year to end on the 10th day of October 1823, viz.

For the annual salaries of the officers of the executive department, judiciary, attorney-general and district attorneys,	35,000
<i>Ex officio</i> services of clerks, copying commissioners' books, and for record books, presses, &c.	8,000
Legislature, October session 1822, and all expences incident thereto,	40,000
Sergeant court of appeals,	1,000
Military expenditures,	500
Postage,	1,500
Pensioners,	100
Sheriffs comparing polls,	500
Criminal prosecutions,	12,000
The execution of slaves,	2,000
For the support of lunatics,	18,000
Printing and binding of the Acts and Journals of October session 1822,	3,000
Jailers attending circuit courts, &c. &c.	6,000
Commissioners of the revenue,	8,000
Contingent expences,	4,000
Executive offices, for fuel, stationary, &c.	2,500
Surveyors, for copying entries, agreeably to an act of assembly for that purpose,	500
Money refunded for taxes twice paid, &c.	500
Purchasers of non-residents' lands,	500
Stock subscribed in the Bank of the Commonwealth of Kentucky, out of the surplus revenue,	40,000
Amount expected to be expended,	<u>\$ 183,600.</u>

No. 6.

A statement of the amount of moneys which is expected will be paid into the treasury, in the year to end on the 10th of October 1823, subject to the expences of government.

The gross amount of revenue collectable by sheriffs for the year 1821, and made payable on the first Monday in December next, is 89,081 80

The loss on the collection of revenue by sheriffs this year, including commission for collecting, insolvents, compensation for killing wolves, and credits for claims by veniremen and witnesses, received by the sheriffs in the payment of the revenue, it is presumed will be 22 per cent. amounting to 19,597 99—69,483 81

Of which said revenue was paid previous to the 10th of October 1822, 1,454 30

The delinquencies on the part of the sheriffs this year, it is presumed will be about 2,000 00—3,454 30

Which will leave a sum that may be expected with some certainty, to be paid in the ensuing year, of 66,029 51

From clerks, for taxes on law process, deeds, seals, &c. 10,000

The register of the land office, 650

The secretary of State, 50

Miscellaneous receipts, 100

Non-residents' lands, 2,500

The Bank of Kentucky, for tax on stock owned by individuals, 7,500

The Bank of Kentucky, for the dividends on 596,700 dollars stock owned by the state in said institution 27,000

From the Bank of the Commonwealth of Kentucky, exclusive of the Literary Fund, and the expences of the institution, 54,000

Of the balance stated to be due government, as in Statement No. 3, there will be collected, of the revenue due from sheriffs, 6,500

Of the balance due from clerks, there will be collected 2,000

Of the other balances no part is expected to be collected.

Amounting in the whole to \$ 176,329 51

THE SENATE.

21

To which add the balance in the treasury on the
10th of October 1822,

54,846 22

Grand total, \$231,175 73

From which deduct, for balance due from gov-
ernment on the 10th of October 1822, as per
Statement No. 4,

6,183 93

Also the amount of Statement
No. 5,

183,600 00—189,783 93

The probable balance which is expected to be
in the treasury on the 10th of October 1823, \$41,391 80

No. 7.

A statement of the situation of the Penitentiary.

MANUFACTURES.

From the 1st of October 1821, to the 1st of October 1822, the
agent's receipts to the keeper, are—

For Black-smith's work,	7,443 92
Shoes,	6,699 51
Chairs,	1,144 26
Cut nails,	12,961 09
Head nails,	107 68
Stone,	2,612 03
Coopers,	1,523 60
Brushes,	130 37
Slaies,	72 62
Hames,	188 00

Total amount of agent's receipts, \$32,883 13

The keeper consumed, in manufacturing the above
articles, raw materials to the amount of

16,386 69

\$ 16,496 44

The keeper had on hand, the 1st of
October 1822, tools, &c. to the amount
of

1,770 89

On hand the 1st of October 1821,

762 06

Which is an accumulation of tools, &c. from the 1st
of October 1821, to the 1st of October 1822, of

1,008 83

Gross profit, \$17,505 27

The expences of the institution, in the same period,
are—

For diet,	2,927 11
Fuel,	1,161 43

JOURNAL OF

Contingencies, including the pay of
guards, turnkey, and for clothing, 3,670 56

\$ 7,759 12

The agent's and keeper's salaries, com-
mission, and the pay of an assistant
keeper, 3,133 09 10,897 21

Net profits of the institution, for the year ending 1st
October 1822, \$ 6,603 06

THE KEEPER.

He received from the treasury, for the purpose of
purchasing raw materials, paying debts, &c. from
the 1st of October 1821, to the 1st of October 1822, 19,308 00

He has expended, in the same period, as enumerated
above 7,759 12

Ditto, for raw materials, 10,245 64 18,004 76

Due from the keeper to the commonwealth, on the
1st day of October 1822, \$ 1,303 24

LOANS.

There was due to government, for loans, on the 1st
day of October 1821, 16,167 00

From the above date, warrants were
drawn from the treasury, for the pur-
pose of purchasing raw materials, pay-
ing debts, &c. as stated before, 19,308 00

Also, for the payment, in part, of the
compensation due to the keeper and
agent, 3,218 78

Also, amount paid William
Starling, jun. for balance
due him the 1st of October
1821, 953 02 4,171 80

Total, \$ 39,646 80

Paid by the agent to the treasurer, in the year end-
ing 1st October 1822, to wit:

For debts collected, cash sales made, cost and inter-
est received, 20,639 99

Due to government, on the 1st day of October 1822, \$ 19,006 81

RAW MATERIALS.

Raw materials, tools, &c. on hand the 1st day of Oc-
tober 1821, 2,940 75

Raw materials purchased during the
year ending 1st of October 1822, 10,245 64

The tools, &c. accumulated, same time,
amount to 1,008 83

Which is 14,195 22

THE SENATE.

23

Raw materials consumed, same time, as stated before, amount to	
Deduct from same, the amount of raw materials, &c. on hand, as above,	16,386 69
	<hr/> 14,195 22
Leaving a balance due the keeper, the 1st of October 1822, of	
From the above statement, it appears that the keeper has consumed, during the last year, more raw materials than he had on hand; but, by a reference to his yearly report, it will be found that he has purchased raw materials on a credit, to the amount of	\$ 2,191 47
Ditto, purchased and paid for, as stated above,	10,199 46
Ditto on hand the 1st of October 1821,	10,245 64
	<hr/> 2 178 69
Making, in all,	\$ 22 623 79
Raw materials consumed, as already stated,	16,386 69
	<hr/>
Raw materials on hand, and not paid for.	\$ 6,237 10
Tools, &c. on hand the 1st of October 1822,	1,770 89
	<hr/>
Which would make a balance of raw materials, tools, &c. on hand, same day, of	\$ 8,007, 99
SALES.	
Sold during the year ending 1st of October 1822—	
On a credit,	15,384 63
For cash,	11,563 35
	<hr/>
Total sales,	\$ 26,947 98

THE AGENT.

There was in his hands, on the 1st day of October 1821, debts and manufactured articles to the amount of	49,406 16
From that period to the 1st day of October 1822, he has been charged with manufactured articles to the amount of	32,883 13
Ditto with cost and interest received,	135 97
Total charged,	\$ 82,425 26
In the same period, he has been credited by costs paid, discounts made on cash sales, &c. to the amount of	2,077 39
By money paid into the treasury,	20,639 99
	<hr/> 22,717 38
True balance due from the agent's office to the government, the 1st of October 1822,	59,707 38

JOURNAL OF

Upon settling the accounts with the executors of John B. Wooldridge, deceased, late agent, he has a balance in his favor of

358 88

Which will make a balance, on the present agent's books, in favor of the state, the first day of October 1822, of

\$ 6,066 26

The general account of the institution was, on the 1st day of October 1822, as follows:

CREDITS.

By effects in the hands of the agent, the above date.	60,066 26	
By money in the hands of the keeper,	1,503 24	
Making		\$ 61,369 50

DEBITS.

Loans due the state,	19,006 81	
Due the keeper,	2,191 47	
Due for a debt contracted by former keeper	9,900 00	
Due former agent, for balance of account,	358 88	
Due ditto, for compensation,	93 30	
Due to the keeper and present agent, for compensation,	693 91	
Making		\$ 31,344 37

Nominal value of said institution, on the 1st of October 1822,

\$ 30,025 13

PORTER CLAY, Aud. P. A.

State of Kentucky, Auditor's Office,
Frankfort, October 23d, 1822. }

Ordered, That Messrs. Amos Kendall and Thomas Curry be permitted to take seats within the senate chamber, for the purpose of taking sketches of the proceedings and debates of the senate during the present session.

The Speaker laid before the senate a letter from the Treasurer, covering his annual report, which was laid on the table as follows, to wit:

TREASURER'S OFFICE, 23d Oct. 1822.

Sir,

You will please lay before the honourable house over which you preside, the enclosed statement, which gives a concise view of the situation of the Treasury Department

THE SENATE.

25

from the 11th of October 1821 to the 10th of October 1822,
inclusive.

I have the honour to be,
Very respectfully,
Your obedient humble servant,
SAM. SOUTH, Sr.

HON. RICHARD HICKMAN,

Speaker protem. of the Senate.

*A statement of Moneys received and paid at the Treasury in
the year 1822, commencing on the 11th of October 1821,
and ending on the 10th of October 1822, inclusive; to-
gether with the amount of money in the Treasury on the
10th of October 1821.*

RECEIPTS.

For amount received on vacant lands,	19,226	97
Ditto head right lands,	6,385	46
Ditto Tellico lands,	57	27
Ditto Manufacture of Salt,	41	00—25,710 70
Ditto Penitentiary,	20,708	49
Ditto Sheriffs,	75,123	35
Ditto Clerks,	10,405	11
Ditto Nonresident lands,	2,720	23
Ditto Miscellaneous receipts,	41	21
Ditto Register of the land office,	641	10
Ditto Tax on Bank stock of Kentucky,	7,708	50
Ditto Town of Columbus,	2,034	00
Dividend in Commonwealth's Bank of Ken- tucky,	61,248	34
Ditto Bank of Kentucky up to the 31st of January 1822,	14,171	63
Ditto July 1822,	11,934	00—26,105 63
Total amount received in 1822,	232,446	66
And in the Treasury on the 10th of Octo- ber 1821,	73,810	78
Total amount,	\$306,447	44

*This statement exhibits the amount of money paid for war-
rants drawn on the Treasury from the 11th of October
1821, to the 10th of October 1822, inclusive.*

Amount subscribed and paid into
the Commonwealth's Bank as
stock on account of vacant and
head right lands,

27,520 00

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Ditto Dividend in Bank of Kentucky,	51,715 13—79,233 13	
Drawback on vacant lands,		68 25
Penitentiary,		21,125 10
Sergeant Court of Appeals,		961 49
Legislature, October session,	20,598 85	
Appropriation same time,	10,796 62—31,390 47	
Legislature, May session,	6,899 74	
Appropriation same time,	6,657 09—13,556 83	
Judiciary department,		26,336 35
Executive, do.		7,800 00
Criminal prosecutions,		10,904 43
Commissioners taxable property,		7,936 54
Negroes executed,		1,600 00
Clerks of Circuit and County Courts,		7,706 47
Littell's Laws of Kentucky,		25 00
Military expences,		617 50
Executive offices,		4,314 40
Contingent expences,		319 21
Faillers of Circuit and County Courts,		4,380 15
Government House,		400 00
Support of Lunatics,		15,545 93
Redemption of nonresidents' lands,		681 03
Pensioners,		15 00
Public communications,		1,287 77
Money Refunded,		570 73
Sheriffs comparing polls,		108 40
Surveyors for transcribing certain entries,		340 25
Public printing, October session,	2,672 69	
Ditto May session,	359 19—3,031 88	
Louisville Hospital,		10,000 00
Literary fund,		200 00
Distributing acts of assembly,		952 80

Total amount,	251,411 22
Aggregate amount of receipts, including money in the Treasury on the 10th of October 1821,	306,257 44
Amount of warrants paid same time,	251,411 22

Cash in the Treasury on the 10th of October 1822, 54,846 22

There have been quietuses issued from this office, pursuant to the certificates filed, issued from the Auditor's office agreeable to the act of the General Assembly, approved the

21st of December 1820, in favor of poor widows, six thousand six hundred acres of land.

The foregoing statement is respectfully submitted to the senate.

SAML. SOUTH, TR.

Mr. Howard presented the petition of Mary Powell, praying a divorce from her husband.

Mr. Dawson presented the petition of Thomas Conway, praying that the balance of the state price of a tract of land in Allen county, which he has taken up, may be remitted.

Mr. Davidson presented the petition of sundry citizens of Lincoln county, praying that the state price due from the heirs of Robert Singleton, for a tract of land in said county, may be remitted.

Mr. Ewing presented the petition of sundry citizens of Christian county, praying that the state price on a tract of land in said county, taken up by Nathan Hawkins, may be remitted.

Mr. Dawson presented the petition of Thomas Gattton and others of Allen county, praying a donation of certain lands adjacent to lands on which they are digging for salt water.

Mr. Pope presented the petition of sundry citizens of Jefferson county, praying that a law may be passed authorising an additional constable's district to be laid off in said county.

Mr. J. L. Hickman presented the petition of the heirs of Lewis Masquirier dec'd. praying a certain tract of land in Bourbon county, sold and conveyed by him, may be confirmed.

Which were severally read; the question being taken on a reference of the first, it was rejected; the second, third, fourth and fifth were referred to the committee of propositions and grievances; the sixth to Messrs. Pope, Henderson and Lackey, and the seventh to Messrs. J. L. Hickman, Flournoy and Marshall, with leave to report by bill or otherwise.

Leave was given to bring in the following bills, to wit: On the Motion of Mr. Carneal; a bill for the benefit of the heirs of Richard M. and John S. Gano, deceased; and

On the motion of Mr. Howard; a bill for the benefit of James Woods. Messrs. Carneal, Faulkner and Carpenter were appointed a committee to prepare and bring in the

former, and Messrs. Howard, Dawson and Gorin the latter.

Mr. Ewing from the select committee appointed for that purpose, reported a bill for the relief of Susanna Stroud, which was read the first time; the rule being dispensed with, it was read a second time and ordered to be engrossed and read a third time.

And then the senate adjourned.

THURSDAY, OCTOBER 24, 1822.

The senate assembled.

Wm. P. Roper senator from Fleming, and Granville Bowman, senator from Wayne, Cumberland and part of Monroe, severally appeared and took their seats.

A message from the house of representatives by Mr. Booker :

Mr. Speaker—The house of representatives have adopted a resolution fixing on a day for the election of a Senator in Congress, in which they request the concurrence of the senate.

And then he withdrew.

The resolution was taken up, read and adopted as follows, to wit :

IN HOUSE OF REPRESENTATIVES, October 23. 1822.

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Tuesday the twenty-ninth instant, at twelve o'clock, proceed by joint vote of the two houses, to elect a suitable person to represent this state in the Senate of the United States.

Extract, &c.

R. S. TODD, C. H. R.

Ordered, That Mr. Ewing inform the house of representatives thereof.

On the motion of Mr. M'Affee, the resolutions for referring the several parts of the Governor's message to select committees were taken up, severally twice read and concurred in as follows, to wit :

Resolved, That so much of the Governor's message as relates to Education, be referred to a select committee, with leave to report by bill or otherwise.

Resolved, That so much of the said message as relates to the currency of the country, be referred to a select committee, with leave to report by bill or otherwise.

Resolved, That so much of the said message as relates to the penitentiary, be referred to a select committee, with leave to report by bill or otherwise.

Whereupon, Messrs. Roper, Ewing, Marshall, Howard and Pope, were appointed to act on the first; Messrs. M^r. Afee, Carneal, Barrett, Morehead and Carpenter the second; and Messrs. Blackburn, Faulkner, Beauchamp, Davidson and Lackey the third.

The following bills were reported, to wit:

By Mr. Carneal—a bill for the benefit of the heirs of Richard M. and John S. Gano.

By Mr. Howard—a bill authorising the Editors of the Richmond Republican and the Farmer's Chronicle to insert certain advertisements.

And by Mr. M^r. Afee, a bill to regulate the sale of land for taxes; which were severally read the first time and ordered to be read the second time.

The rule being dispensed with, the two former were read a second time and ordered to be engrossed and read a third time; (the second having been amended at the clerk's table.)

An engrossed bill for the benefit of Susanna Stroud, was read a third time.

Resolved, That the said bill do pass, and that the title be, an act for the benefit of Susanna Stroud.

Ordered, That Mr. Ewing do carry the said bill to the house of Representatives and request their concurrence.

On the motion of Mr. Flournoy,

Resolved, That so much of the Governor's message as relates to a Lunatic Asylum, be referred to a select committee, with leave to report by bill or otherwise.

Whereupon, messrs. Flournoy, Ballinger, Marshall, Blackburn and Smith, were appointed a committee pursuant to said resolution.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Carpenter—1. a bill to regulate proceedings in chancery in certain cases.

On the motion of Mr. Henderson—2. a bill to amend the several acts passed for the benefit of the heirs of Joseph Dupuy.

On the motion of Mr. Flournoy—3. a bill to extend the right of Revivor of actions.

And on the motion of Mr. M^r. Afee—4. a bill to provide a public Library at the seat of government.

Messrs. Carpenter, Pope and Barbee were appointed a

committee to prepare and bring in the first; messrs. Henderson, White and Loyn the second, messrs. Flournoy, Davidson and Beauchamp the third, and messrs. M'Asce, Davidson and Dawson the fourth.

The Speaker laid before the senate the following communication, to wit:

THE HONORABLE WILLIAM T. BARRY,
Speaker of the Senate.

SIR:

THE General Assembly having, at its last spring session, done me the honor to appoint me commissioner, on the part of Kentucky, to treat with Benjamin W. Leigh, Esq. commissioner on the part of Virginia, "on the necessary arrangements and stipulations, preparatory to the organization of a board of commissioners, according to the compact existing between the two states," which have arisen matters in controversy between them, which have arisen under it; and having directed a report to be made of the result of the negotiation, I have now, respectfully to submit to the general assembly the following report:

Shortly after the close of the session of the legislature, I had several interviews with Mr. Leigh, in the course of which we mutually made a free and full exposition of the objects of our respective appointments; and finally, for the accomplishment of those objects, concluded and signed two conventions, which I herewith transmit to the general assembly. By the first, which is designated by the letter A, provision is made for the organization of a board of commissioners, in conformity with the eighth article of the compact; the time and place of its meeting are appointed; a day is limited on which the convention is to cease, and the board is to be dissolved, if, in the mean time, it shall not have made out and delivered its award to the agents of the respective parties; the compensation of the commissioners constituting the board is fixed, and its mode of payment; the several questions to be submitted to the final decision of the board, are stated, and issues made up on them; and lastly, it is stipulated that each state, ratifying the convention, shall forthwith proceed to choose commissioners on its part, and communicate to the other, the fact of such ratification, and the names of the commissioners so appointed.

It will be observed, that the validity, as well of the acts which relate to occupying claimants of land, as of those which prescribe a limitation of actions, founded upon the

land law of Virginia, is submitted to the board of commissioners. All of these acts are drawn in question, upon the allegation, that they are repugnant to the compact between the two states, and causes involving them all, are understood to be pending before the federal judiciary. I supposed it, therefore, to be consonant with the views of the legislature, to subject them all to the test, for which the compact itself, said to be violated, has made provision.

The particular time and place, stated in the convention, for the meeting of the board, were adopted from two considerations: First, to afford an opportunity to have the award made and published, prior to the decision, by the supreme court of the United States, of the cause argued at its last term, embracing the validity of the occupying claimant laws; so that the award might have the effect and influence which justly belong to the opinion and judgment of the special tribunal of the parties. And, secondly, it was thought that, from the annual assemblage, at the City of Washington, of eminent men, drawn there from all parts of the Union, by public business, or by curiosity, there would be less delay and difficulty, on the part of the four commissioners, appointed by the two states, in selecting the remaining two, necessary to the completion of the board, than would occur at any other place that could be agreed upon.

By the second convention, which is designated by the letter B, it is agreed between the two states, first, that if the decision of the board of commissioners, on the claim asserted by Virginia, shall be in favor of Kentucky, Virginia guarantees that the proprietors of all unlocated warrants shall submit to, and abide by the decision; and indemnifies Kentucky against any claim which they may subsequently assert. Secondly, that in no event is the decision of the board to affect the sales of land authorised to be brought into market by the act of the legislature of Kentucky, entitled "an act providing for the sale of the vacant lands west of the Tennessee;" but that land, on the contrary, is to be considered as specially reserved from the operation of such decision. Thirdly, that the quantity of the several descriptions of land warrants, remaining to be satisfied, does not exceed that which is specified in the convention; and that, if the award be against Kentucky, it shall be lawful for this state, in regard to that class of warrants in which the line, whether continental or state, has not been designated, to require the production of satisfactory proof of the line to which they were severally granted, and that

they have not been previously located. And lastly, that the state of Kentucky, if the award be against it, retains the power to regulate the making of locations upon the warrants, in some convenient and equitable mode; and that of prescribing a reasonable time within which, if the proprietors of warrants do not make their locations, agreeably to the mode so required, their rights shall be forfeited.

The state of Virginia, in preferring the claim which she has done, has proceeded without any authority expressly delegated to her by the proprietors of unlocated warrants. After settling with her the question as to the right of those proprietors now to locate their warrants, it might happen, that, disavowing her acts they would institute fresh measures to be let in to the satisfaction of their warrants. To guard against any such attempt, Virginia has stipulated that they shall abide by the determination of the board of commissioners; and that she will indemnify Kentucky against any claim which they may subsequently exhibit.

I was desirous that we should have agreed upon a precise limitation of the definite quantity of land comprehended in the Virginia claim. But as it could not be ascertained what part of those warrants which had issued, without a designation of the line, belonged to the state corps, or what portion of them had been located, it was found impracticable. The best substitute, for such a limitation, that occurred to me, has been adopted, in the provisions which specify the aggregates of the three classes of warrants, of which the satisfaction is now sought; and which throw upon the holder of the ambiguous warrant, the *onus probandi* of the facts, both of the line, on account of which it issued, and that it has not been previously located.

The utility of the other stipulations, contained in the instrument B, is sufficiently obvious. However just our confidence may be, in a favorable result of the appeal which is proposed to the tribunal of the compact, it was deemed advisable to guard against all contingencies. Perhaps most of the stipulations, inserted in that instrument, were not called for by the occasion, since they merely express what would have been necessarily implied from the nature of the whole transaction. But it seemed to me that, in laying the foundations of an amicable settlement of all past differences between the two states, it was better, even at the hazard of superfluous precaution, to make ample provision against future misunderstanding. That the ultimate issue of what has been done, may tend to the conservation of the harmo-

ny, which ought ever to be cherished between our parent state and us, I take pleasure in stating, appeared to be the sincere and anxious desire of the gentleman with whom I had the satisfaction to be associated, as it is that of

Your obedient humble servant,

H. CLAY.

October 22, 1822.

A message from the house of representatives by Mr. Robertson (of Garrard.)

Mr. Speaker—I am instructed to lay before the senate certain documents which have been communicated to that house, relative to the compact with Virginia; and they have adopted a resolution for the reference to a joint committee; in which they request the concurrence of the senate.

And then he withdrew.

The said documents were then taken up and read as follows, to wit:

(A.)

Certain points of difference and dispute having arisen between the states of Kentucky and Virginia, concerning the construction, effect and execution of the compact between the two states, contained in the act of the Legislature of Virginia, passed on the 18th day of December 1789, entitled "an act concerning the erection of the District of Kentucky into an independent state"; and both states being desirous, by an amicable settlement of the said differences and disputes, to preserve the good understanding which has happily always existed between them; and the state of Virginia having, through Benjamin Watkins Leigh, a citizen of the said state, and its commissioner appointed for the purpose, requested the Legislature of Kentucky to co-operate with the General Assembly of Virginia, in organizing a board of Commissioners under the eighth article of the said compact, with authority to decide all matters in difference between the two states; and the General Assembly of Kentucky having resolved, that it is expedient to appoint a board of commissioners, accordingly, under the said article of the compact, as desired by Virginia; and having appointed Henry Clay, a citizen of the state of Kentucky, commissioner on its part, to enter into the necessary arrangements and stipulations with the said commissioner on the part of Virginia, preparatory to the organization of

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the said tribunal under the compact, and to report the same to the Legislature of Kentucky at its next session, to enable it to appoint commissioners on its part, which report is to be subject to its control: Now, therefore, the said commissioners, Henry Clay, on the part of the state of Kentucky, and Benjamin Watkins Leigh, on the part of the state of Virginia, have agreed, and do hereby agree, upon the following arrangements and stipulations, subject to the approbation and ratification of their respective constituents, that is to say:

I. The proposed board of Commissioners, to determine the differences and disputes which have arisen between the two states, shall be organized conformably with the eighth article of the said compact between them, in such manner, that neither of the commissioners to be chosen by each state respectively, nor the commissioners to be chosen by the commissioners so appointed by the parties, shall be citizens of either state, but the whole board shall be constituted of the citizens of some one or more of the other United States.

II. The four commissioners so to be chosen by the parties, shall meet at the city of Washington, on the fourth Monday in January 1823, or as soon thereafter as may be; and these four having, in the first place, appointed the other two commissioners, the board so constituted, shall then proceed from time to time, according to its own adjournments, to hear and determine the differences and disputes submitted by the parties; and shall make its award in writing, and deliver the same to the respective agents of the parties, on or before the first day of April 1823; and if it be not made and delivered on or before that day, this convention shall cease and determine, and the board shall be dissolved.

III. The said commissioners shall be allowed, in lawful money of the United States, each, eight dollars for every day he shall attend at the city of Washington, on the business of the commission, and also eight dollars for every twenty miles in going to and returning from the said city of Washington to his place of residence; which compensation shall be a common charge to the said states of Kentucky and Virginia, and the accounts thereof shall be adjusted by the agents of the parties who shall attend the board.

IV. The matters of difference between the two states, to be submitted to the judgment and decision of the said board of commissioners, on the part of the state of Kentucky, are the following acts of the Legislature thereof, that is to say:

an act concerning Occupying Claimants of Land," passed on the 27th February 1797; "an act to amend an act entitled an act concerning Occupying Claimants of land," passed on the 31st of January 1812; "an act to amend an act, entitled an act to amend an act concerning Occupying Claimants of Land," passed on the 20th of December 1820;" "an act to compel the speedy adjustment of land claims," passed on the 9th of February 1809; and "an act to amend an act, entitled an act to amend and reduce into one, the several acts or parts of acts concerning limitations of actions, and for other purposes," passed the 22d of January 1814: All which acts, the state of Kentucky insists, are valid, and no way repugnant to the said compact between the two states: On the contrary, the state of Virginia insists, that they are repugnant to the said compact, and invalid. The board of commissioners, is, therefore, to determine, whether the said acts, or either of them, or any part of either of them, be consistent with the said compact and valid, or not?

The points of complaint and difference to be submitted to the said board, on the part of the state of Virginia, are all the matters of complaint and dispute, set forth in a certain report of a select committee of the House of Delegates of Virginia, touching the claims of the officers and soldiers of the revolution for bounties in lands, which was agreed to by both houses of the General Assembly of Virginia at its last session, and was communicated to the General Assembly of Kentucky at its last session; as to all which matters of complaint and dispute alledged by the state of Virginia, that state insists, that the state of Kentucky hath failed to observe and fulfil the compact between the two states, according to its true intent and meaning: On the contrary, the state of Kentucky insists, that she has faithfully observed and kept and fulfilled the said compact on her part, in respect to all the said matters of complaint and difference. The board of commissioners, is, therefore, to determine, whether in respect to the said matters of complaint and dispute alledged by Virginia, or either or any part thereof, the state of Kentucky has observed, kept and fulfilled the provisions of the said compact touching the same, or not?

V. Each state, if it shall approve and ratify these articles, shall thereupon proceed to name and choose commissioners on its part, to constitute the board; and shall, as soon as may be, communicate to the executive of the other,

the fact of such approbation and ratification, together with the names of the commissioners so chosen on its part.

In faith whereof, the said commissioners have respectively signed this convention, and hereunto affixed their seals.

Done in duplicate, at Lexington, on this fifth day of June one thousand eight hundred and twenty-two.

H. CLAY, [SEAL.]

B. W. LEIGH, [SEAL.]

(B.)

THE States of Kentucky and Virginia, having, by their respective commissioners, Henry Clay and Benjamin Watkins Leigh, this day entered into a convention, making certain arrangements and stipulations for organising a board of commissioners to determine all matters of complaint or dispute between them, arising under the act of the 18th day of December, 1789, entitled "an act concerning the erection of the District of Kentucky into an independent State," passed by the general assembly of Virginia; and the said commissioners, deeming it proper that certain contingent provisions should be made, dependent upon the decision of the said board, have entered into these separate articles, proposed on the part of Kentucky; that is to say:

I. That if the decision of the board of commissioners, to be organized as aforesaid, shall be in favor of Kentucky, on the claim asserted, to have permission now to locate, below the Tennessee river, all unlocated land warrants granted by Virginia to her state line, the state of Virginia shall and doth hereby guarantee to Kentucky, that the proprietors of all such unlocated warrants shall submit to, and abide by the said decision; and also, shall and doth hereby agree to indemnify Kentucky against any claim which they, or any of them, may subsequently assert against Kentucky, or against persons deriving titles to land from Kentucky, on account of the said unlocated warrants, if the said proprietors, or any of them, should refuse to submit to, and abide by the said decision.

II. That in no event is the decision of the said board of commissioners to affect the sales of land brought into market by the act of the general assembly of Kentucky, entitled "an act providing for the sale of the vacant lands west of the Tennessee river," passed on the 21st December 1821; but, on the contrary, the said land is to be considered as altogether reserved by Kentucky, and to be exempt from all and every claim brought forward by Virginia.

III. That it is understood and agreed by the contracting parties, that the amount of unlocated warrants, granted by Virginia to her state line, prior to the first of May 1792, does not exceed 109,449 acres; that the amount of those granted subsequent to that day, to the said line, does not exceed 37,409 1-3 acres; and that the amount of those granted prior and subsequent to that day, respecting which the line, whether continental or state, has not been designated, does not exceed 186,520 acres. And it being unknown what part of this latter quantity has been located, it is further agreed between the contracting parties, that, if the decision of the said board of commissioners shall be in favor of the claim now to locate unlocated warrants, it shall nevertheless be competent to Kentucky to require the production of satisfactory proof of the facts, both of the line to which any of the said warrants were granted, and that they have not been previously located.

IV. That if the said board shall decide in favor of the claim now brought forward, to make locations below the Tennessee river, Kentucky retains to herself the power to regulate the making of such locations, in some convenient and equitable mode, allowing the claimants the full substantial benefit of the original appropriation for their bounties; and also, the power to prescribe a reasonable time within which, if the proprietors of any warrants, who may be adjudged now to have such right of location, do not make their locations, in conformity with the mode so prescribed, their rights shall be forfeited.

V. These articles are to be binding on the parties, when ratified by them respectively; and are to have the same effect as if inserted in, and made a part of the convention which has been this day agreed upon.

In faith whereof, we, the commissioners aforesaid, have respectively signed this agreement, and have hereunto affixed our seals.

Done, in duplicate, at Lexington, the fifth day of June, one thousand eight hundred and twenty-two.

H. CLAY, [SEAL.]

B. W. LEIGH, [SEAL.]

The resolution was then taken up and adopted as follows, to wit:

IN HOUSE OF REPRESENTATIVES, October 24, 1822.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the report and documents transmitted to

this house by Henry Clay, Esq. commissioner on the part of this state, to negotiate with the commissioner from Virginia, be referred to a committee of six from the house of representatives and three from the senate.

Extract, &c. Att.

R. S. TODD, C. H. R.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

Whereupon, messrs. M'Afee, Flournoy and Henderson were appointed a committee on the part of the senate, pursuant to said resolution.

Ordered, That the public printers forthwith print one hundred and fifty copies of said report for the use of the senate.

A message from the house of representatives by Mr. Speed.

Mr. Speaker—The house of representatives have appointed messrs. Speed, Murray, Sanders, Allen (of Mercer,) and Scroggin, a committee of enrolments on their part; and request that the senate will also appoint a committee; and they have passed a bill entitled an act to extend the indulgence allowed to the Judge of the 13th Judicial District; in which they request the concurrence of the senate.

And then he withdrew.

The said bill was read the first time, and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass, and that Mr. Faulkner inform the house of representatives thereof.

Ordered, That messrs. Williams, Barbee and Ballinger be appointed a committee of enrolments on the part of the senate.

Ordered, That the clerk inform the house of representatives thereof.

And then the senate adjourned.

FRIDAY, OCTOBER 25, 1822.

The senate assembled.

Thomas Towles, a senator from the counties of Henderson, Hopkins and Union, appeared and took his seat.

The senate received a message by Mr. L. Williams, announcing that the house of Representatives had passed a bill entitled an act for the relief of the sheriffs of Cumberland and Jefferson counties.

The bill was read the first time, and the rule being dispensed with, it was read a second and third time.

Resolved, That the said bill do pass and that Mr. Pope inform the house of Representatives thereof.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration, sundry petitions to them referred, and have come to the following resolutions thereupon.

Resolved, That the petition of Nathan Hawkins of Christian county, praying that a law may be passed remitting the balance of the state price on a survey of 200 acres, made in the name of the said N. Hawkins, on a Christian county court certificate, No. 2169, and that a patent may issue in his name, *is reasonable*.

Resolved, That the petition of Polly and Betsey Singleton, heirs of Robert Singleton, dec'd. praying that the balance of the state price on a survey of 248 acres of land in the county of Lincoln may be remitted, and a patent issued to them for the same, *is reasonable*.

Resolved, That the petition of Thomas Conoway of Allen county, praying that the state price on one hundred acres of land whereon he resides, may be remitted, *is reasonable*.

Resolved, That the petition of Thomas Gatton, Thomas Payne and Carlton R. Gatton, of the county of Allen, praying that they may have the exclusive privilege of appropriating certain lands adjacent to their salt water well in said county, *is reasonable*. Which being twice read was concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said resolutions.

Mr. J. L. Hickman informed the senate that James Hughes, Jr. who was at the last election returned as senator from the counties of Nicholas and Bracken, had departed this life. Whereupon it was

Resolved, That a writ of election issue to fill said vacancy, to be executed on the first Monday in November next.

Mr. M'Afee from the committee raised for that purpose, reported a bill to provide a public Library at the seat of Government, which was read the first time and ordered to be read the second time.

Engrossed bills to wit: a bill for the benefit of the heirs of Richard M. and John S. Gano; and a bill authorising the

Editors of the Richmond Republican and the Farmers Chronicle; and the Morning Post and Commercial Advertiser to insert certain advertisements, were severally read a third time. *Resolved*, That the said bills do pass, and that the titles be respectively, "an act for the benefit of the heirs of Richard M. and John S. Gano," and "an act authorising the Editors of the Richmond Republican and the Farmers Chronicle and the Morning Post and Commercial Advertiser to insert certain advertisements."

Ordered, That the clerk inform the house of representatives thereof.

The Speaker laid before the senate the following communication, to wit:

BR. BANK OF THE COMMONWEALTH OF KENTUCKY. }
Lexington, October 24, 1822. }

To the Hon. Lieutenant Governor
and President of the Senate,

SIR,

I have the honor to enclose a report to the General Assembly, of the amount of money paid to the Treasurer of the Board of Trustees of Transylvania University, under the provisions of "an act to establish a Literary Fund and for other purposes."

Very respectfully,

Your obedient servant.

JOHN H. MORTON, Cash'r.

Account of money paid by the Cashier of the Branch Bank of the Commonwealth of Kentucky, at Lexington, to the Treasurer of the Board of Trustees of the Transylvania University, under the provisions of "an act to establish a Literary Fund, and for other purposes."

1822, March 30.	Paid to the order of the chairman of the Board of Trustees,	5,000 00
April 3.	Do. Do.	1,000 00
July 5.	Do. Do.	1,500 00
October 7.	Do. Do.	1,488 63

\$ 8,988 63

In all, eight thousand nine hundred and eighty eight dollars and sixty three cents, being one half of the clear profits which have accrued up to the 30th September, 1822.

JOHN H. MORTON, Cash'r.

Br. Bank of the Commonwealth of Kentucky, }
Lexington, October 21st, 1822. }

Resolved, That the Sergeant at arms be requested to apply to the Secretary of state for twelve copies of the acts of last October session.

And then the senate adjourned.

SATURDAY, OCTOBER 26, 1822.

The senate assembled.

William Mountjoy, from the counties of Pendleton, Grant and Gallatin, and Thompson Ward, from the counties of Greenup, Lewis and part of Lawrence, severally produced certificates of their election, and having taken the several oaths of office, took their seats.

Mr. Barbee from the joint committee of Enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

An act for the relief of the sheriffs of Cumberland and Jefferson counties.

An act to extend the indulgence allowed to the Judge of the thirteenth judicial district.

A resolution fixing a day for the election of a senator in Congress.

A resolution for the reference to a joint committee the report of H. Clay, Esq.

And had found them truly enrolled.

The senate received a message by Mr. Murray, announcing that the Speaker of the house of representatives had signed said bills and resolutions; whereupon, the Speaker signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. Lyon presented the petition of Charles Brandon of Hickman county, praying a pre-emption right to a quarter section of land on Bloody River, on which he hath erected a grist mill.

Also, the petition of William Davis of said county, praying a pre-emption to certain lands on which he has settled and erected a mill.

Which were severally read and referred to the committee of propositions and grievances.

Mr. Ewing from the committee of propositions and grievances, reported the following bills, to wit:

A bill for the benefit of Thomas Gatton and others, and

a bill for the benefit of Nathan Hawkins; which were severally read the first time and ordered to be read a second time.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Barbee—1. a bill to establish an Assylum for the tuition of the Deaf and Dumb.

On the motion of Mr. Lackey—2. a bill to amend an act authorising the location of certain Seminary lands, and for other purposes, approved February 4, 1812.

On the motion of Mr. Roper—3. a bill to add a fourth Judge to the Court of Appeals.

On the motion of Mr. Marshall—4. a bill to regulate the proceedings in contests concerning the probat of wills, and the establishment of mills, roads and ferries.

On the motion of Mr. Beauchamp—5. a bill to repeal the charter of the Bank of Kentucky.

And on the motion of Mr. Towles—6. a bill to provide for the admission of Deeds and other writings, as evidence in the courts of this commonwealth in certain cases.

Messrs. Barbee, M'Allee and Flournoy, were appointed a committee to prepare and bring in the first; Messrs. Lackey, Ward and Gorin, the second; Messrs. Roper, Flournoy, Bowman, Marshall and Carneal, the third; Messrs. Marshall, Flournoy, Roper, Henderson, Pope and Towles, the fourth; Messrs. Beauchamp, J. L. Hickman, Marshall and Flournoy, the fifth; and Messrs. Towles, Ward, Carpenter, Pope and Flournoy, the sixth.

The Speaker laid before the senate the following communication, to wit:

The Report of James Morrison, Chairman of the Board of Trustees of the Transylvania University, to the General Assembly.

The act of the last fall session of the legislature, entitled "an act to establish a Literary Fund, and for other purposes," having required that the chairman of the board of trustees should report within ten days after the meeting of the present legislature, the amount of money paid to the treasurer of the said board, under the provisions of the said act, the chairman has now the honor respectfully to report:

That he has received, for the use of the University, from the cashier of the Lexington Branch of the Commonwealth's Bank, on account of the appropriation of the legislature, the sum of \$8,988 63. which has been applied to the extinguishment of the debts of the institution. The total

amount of these debts exceeded even that of which a statement was presented to the legislature, and filed with the cashier of the Branch Bank, there having been some exhibited against the University, subsequent to that statement, of which its books afforded no information. The other creditors, having an equally just claim with those who have been satisfied, have not yet been paid; because, by the terms of the appropriation, a larger sum than that which has been received, could not heretofore be paid over by the branch bank. The provisions of the charter of the bank having forbidden any loan to a corporation, the University was unable to anticipate, by loan from the branch, any further sum on account of the appropriation; but some of the trustees procured, on their individual responsibility, a loan of \$1000, which has been also received and applied to the payment of the debts of the University; thus making the aggregate sum which has been actually received, \$9,988 63. The other creditors, whose demands have not yet been paid, confiding in the receipt by the University, from the branch bank, of the residue of the appropriation made by the munificence of the general assembly, have hitherto forbore to resort to coercive measures to enforce the payment of their debts; and it is hoped, that their moderation will be further exercised, until the branch is enabled to complete the payment of the whole appropriation of \$20,000.

This seasonable relief afforded by the legislature, has enabled the institution to meet the more urgent and pressing demands, and will ultimately enable it, with the aid of other resources at its disposal, to maintain the character and credit of the University. Indeed, without the timely aid rendered by the liberality and providence of the general assembly, there was much reason to apprehend, that there would have been a suspension of the duties of the University; and I am directed by the board, to express to the legislature, the high and grateful sense which it entertains of the parental care which was displayed in this respect by the wisdom of the state, and to offer the assurances of the board that no pains shall be spared by it to merit the public liberality which has been extended to it, and to ensure a continuance of the present prosperous and flourishing condition of the University.

JAMES MORRISON,

Chairman Board Trustees.

October 26, 1822.

THE HON. WM. T. BARRY,

Speaker of the Senate,

The senate received a message by Mr. Slack, announcing that the house of representatives had passed bills from the senate entitled, an act authorising the Editors of the Richmond Republican and Farmers Chronicle, and the Morning Post and Commercial Advertiser, to insert certain advertisements; and an act for the relief of Susannah Stroud, the latter with amendments; and that they had passed a bill entitled an act establishing a Tobacco inspection in the town of Dover, in the county of Mason.

The amendments were taken up and concurred in.

The bill was read the first time, and the rule being dispensed with it was read a second time, amended at the clerks table and read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read, "an act establishing a Tobacco inspection in the town of Dover in the county of Mason, and in the town of Covington in the county of Campbell."

Ordered, That the clerk inform the house of representatives thereof.

A bill to regulate the sale of land for taxes, and a bill to provide a public Library at the seat of government were severally read a second time and ordered to be engrossed and read a third time.

The Speaker laid before the senate the following letter and report, to wit:

BANK OF THE COMMONWEALTH,
October 26th, 1822. }

Dear Sir:

I have the honor to transmit herewith such a report of the proceedings and situation of this Bank, as is required by the 13th section of the act of the 29th of November 1820; which report you will please to lay before the honorable body in which you preside.

I have the honor to be
Yours, &c.

J. J. CRITTENDEN.

THE HONORABLE WILLIAM T. BARRY,
Speaker of the Senate.

TO THE MEMBERS OF THE SENATE AND HOUSE OF REPRESENTATIVES.

AGREEABLY to the 13th section of the act establishing the Bank of the Commonwealth of Kentucky, I have the honor herewith to communicate to the legislature, tables and

reports, which will shew the situation of this Bank and its Branches; the names of the persons who have borrowed money; the amount so borrowed, and the manner in which the same is secured. There is also transmitted, a copy of the report which was made to the Auditor of Public Accounts, in conformity to the 1st section of an act of the 19th December 1821, containing an account of all the interest that had accrued upon the loans and discounts of this bank from its commencement up to the first day of July 1822. The amount due to the state according to that report, has been paid to the treasurer and his receipt taken therefor.

From the best information which they have been able to procure, the managers of this bank, confidently believe, that the debts due to it, with very few exceptions, are safe and well secured. Some delinquencies have occurred on the part of the debtors to the institution. These however, are comparatively few, and most of them are believed to result rather from negligence and casualty, than from inability.

One of the statements or tables which accompanies and forms part of this report, will shew the total amount of paper which has been furnished to this bank and its branches. There yet remains on hand and undistributed, a considerable number of notes of the denomination of \$1 and \$3, the greater part of which has been long since signed and prepared for circulation, and ready to be delivered upon application of the branches to which they belong.

The residue will be prepared as soon as they can possibly be required or wanted.

In the general conduct and management of the bank, no material change or alteration has been made since our last annual report. In the month of March last, the Directory determined to increase their calls to the rate of two per cent per month, upon all notes under discount, as they should fall due, after the first day of the ensuing August, and accordingly an order was then made to that effect.

The objects of the Directory in the adoption of this measure, were, to quicken the circulation of its paper; to check, if possible, the progress of its depreciation, then increasing with alarming rapidity; and finally, by means of this additional call, to supply the bank with a fund for new loans and accommodations, where its own interest and the necessities of individuals might require it. There was no way of obtaining such a fund but by means of this additional call. The previous call of one per cent per month, could produce that amount only, which, by a resolution of the

legislature, we were directed to retain in the bank until it should "commence paying specie for its notes." If it could be avoided, the Directory did not wish to see the operations of the bank permanently reduced to the invidious functions of a mere collector. The order above alluded to, seemed to afford the only prospect of rescuing the institution from that condition.

Subsequent to its adoption, however, difficulties were discovered in the execution of the measure, which had not been fully anticipated, and circumstances occurred of a character unfavorable to its successful operation. At the May session of the last legislature, one branch of that honorable body had manifested some disapprobation of the measure; some of the debtors of the bank complained, threatened, and questioned the power of the Directory to increase the calls; and finally, it was well and distinctly understood, that some of the branches of the bank, would disregard the order of this board, and refuse to carry it into effect. Influenced by a consideration of all these circumstances, the Directory was induced before the first of August had arrived, to postpone the operation of their said order until the 10th day of November next, and before that time arrives, the same considerations will probably induce them to rescind it.

They have no means, indeed, of enforcing the observance of any order upon those branches which consider themselves independent of their control; and if the circumstances and situation of the bank should ever make it necessary to resort to so decided a measure as that of increasing the calls upon its debtors, it is believed that some legislative sanction of it, will be required to give it efficacy and success.

Another subject of importance which has engaged the Directory, is the "Literary Fund," established by the act of the 18th of December 1821; and they have been very much at a loss in coming to any satisfactory conclusion as to the manner in which it was intended by the legislature that fund should be managed and the accounts of it kept. By the act last alluded to, "one half of the clear profits that have arisen, and may hereafter arise to the state," from the operations of this bank, is set apart as a "Literary Fund" for the establishment and support of a system of general education; which it is the declared intention of the legislature, to realise "as early as possible." It is made the duty of the President and Directors of this bank, "to cause accounts to be kept in the books of the in,

stitution, to which shall be transferred all such dividends or profits arising to, and constituting the literary fund as aforesaid." And it is further directed that "all sums so arising, shall remain as a deposit in the bank, to be re-loaned upon good security &c." But upon what terms of repayment is the Literary Fund to be reloaned? Could terms or calls be enforced on the borrowers of that fund that are not required of other debtors? And if not, was it the intention of the legislature to place this fund so far out of its reach as the reloaning of it upon the usual and uniform calls of this bank would do? It was supposed such could not be their intention, as in the act establishing that fund, the legislature had declared its purpose to carry into effect a general system of Education "as early as possible." Other doubts suggested themselves; was the literary fund to be chargeable with all the losses, and entitled to all the profits arising out of loans made from it? If so, separate and distinct accounts must be kept of every loan and transaction growing out of it; a task difficult and almost impracticable. And again, was the expression "to be reloaned upon good security" to be considered as imperative on the Directory to loan that fund, and thereby to extend their discounts and increase the emission of their paper beyond what they might otherwise think prudent? Amidst all these difficulties and doubts, and after the best consideration they were capable of bestowing on the subject, the course adopted and pursued by the Directory, is this: To keep the account of the Literary Fund entirely in the principal bank; to make no re-loans specifically from that fund; but to keep up their general discounts to the utmost extent that the interest of the bank, and the system of reduction established by the legislature, will permit, and to transfer to that fund annually, and at the same time that a report is made to the Auditor, one half of all the clear profits of the bank. The literary fund will thus be constituted and consist entirely of one half of the clear profits of the bank, accrued and to accrue, without any other accumulations.

If this report has been unnecessarily tedious and prolix on the foregoing topic, (as it may well be feared it has,) it is hoped that some apology may be found for it in the solicitude of the Directory to bring the subject fully before the legislature, in order that if there be any thing erroneous or unsatisfactory in the plan adopted and pursued in the management of the Literary Fund, it may be corrected as speedily as possible by that honorable body.

In conclusion, I take great pleasure in declaring, that although the depreciation of our paper has made the most sanguine advocates of the bank sometimes despair of a fortunate conclusion of the experiment; yet I have now little doubt, but that without further aid, its own abilities will be sufficient to effect the object of its creation, and redeem the currency from the degradation to which it is reduced. The first has already been in a considerable degree effected; the last will be gradually, but certainly accomplished, by retaining the profits of the bank, and persevering in the present system of curtailment.

It only remains to add, that the Directory will earnestly and carefully endeavor to carry into complete effect the resolution of the last legislature, declaring that after the first day of August 1822, the paper of this bank ought to be gradually diminished, "at the rate of at least twelve per centum per annum, and retained in the bank" until it shall "commence paying specie for its notes."

I have the honor to be,

With great respect,

J. J. CRITTENDEN.

Ordered, That the public printers forthwith print 500 copies of said report for the use of the senate.

And then the senate adjourned.

MONDAY, OCTOBER 29, 1822.

The senate assembled.

MR. White presented the petition of sundry citizens of Shelby, Nelson and Bullitt counties, praying the erection of a new county out of parts of each; which was read and referred to the committee of propositions and grievances.

The senate received from the house of representatives, messages, announcing the passage of bills of the following titles, to wit:

By Mr. Sharp—an act giving further time to the Independent Banks to close the business of said institutions.

By Mr. Smith—an act to establish election precincts in Lincoln and Fleming counties and for other purposes.

And by Mr. Cowan—an act for the benefit of the heirs of Alexander Ashby and John Metcalfe.

Which were severally read the first time and ordered to be read a second time.

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REPORT

[Senate Journal, page 48]

Of the situation of the Bank of the Commonwealth of Kentucky and Branches, from its commencement up to the 1st of October 1821

	CASH ON HAND.																		Net profits.	Expenses since commencement of Bank.	
	STOCK.		Notes payable.		Notes discounted.		SPECIE.	Notes on B'k. Ky. & branches.	U. S. & other notes.	Notes Bank Common'th. & branches.	Notes on other Banks.	TOTAL CASH.									
	D.	C.	D.	C.	D.	C.							D.	C.	D.	C.	D.	C.			D.
Principal Bank,	72,614	13	314,904		339,982		668	85	5,049		215		41,128	77			47,061	62	11,531	24	17,011
Br. B'k. Harrodsburg,			304,269	37	254,030	13	31	32	15,698		100		69,620	37	125		85,574	69	7,756	08	2,700
Lexington,			224,402		234,978				4,914				63,530	70	300		68,744	70	17,977	26	3,400
Louisville,			319,698		310,289		9	98	34,696				41,405		263		76,373	98	22,111	45	4,140
Hartford,			107,502		102,573		103	12	1,390				23,823				25,316	12	6,726	68	2,200
Greensburg,			202,064		206,927	30	9	40	3,726				11,940	25			15,675	65	13,744	49	2,100
Princeton,			235,745	50	216,486	82	546	98					54,506	04			55,053	02	16,808	65	2,370
Winchester,			294,634		283,576	07			8,695				32,757	77			41,452	77	22,731	57	2,770
Mountsterling,			101,194		92,633	99	327		2,462	50	297		18,174	25	489	62	22,750	37	5,060	60	2,330
Falmouth,			169,461		164,442	30			600				19,857	97			20,457	97	10,215	38	2,340
Bowlinggreen			197,920		220,977	30	5		15,074				9,815	34	196	50	25,090	84	14,994	7	2,290
Flemingsburg			176,318		170,974		665	60	2,985				19,772	50			23,223	11	12,018	59	2,460
Somerset,			143,952		134,026	34	266		2,800				15,967	66			19,033	66	8,323	95	2,100
	72,614	13	2,792,063	87	2,731,796	25	2,633	25	98,089	50	612		422,299	62	2,374	12	525,808	50	180,565	65	48,130

NOTE.—The expenses of the Harrodsburg, Hartford, and Flemingsburg Branches, having been settled at those Branches, and not reported by them, from the commencement of the Bank, the amounts of that item, at those Branches, are given from conjecture, in numbers.

O. G. WAGGENER, Cashier

REPORT

Prepared for the Auditor of Public Accounts, agreeably to the act of the 19th December 1821, containing an account of all the interest that has accrued upon the loans and discounts of the Bank of the Commonwealth of Kentucky, from its commencement up to the first day of July 1822, after deducting therefrom the expenses of said institution; and designating, also, the several appropriations which have been made by the Legislature, out of its profits.

	Total amt of interest or profits.	App'n to Southern College.	App'n to Centre College.	App'n to Tr. University.	App'n. for Literary Fund.	Amount due the Treasury
Principal Bank,	3,073 57				4,036 79	4,036 78
Br. B'k. Bowlinggreen,	11,495 40	618 19			5,747 70	5,129 51
Lexington,	15,292 89			7646 44	7,646 45	
Harrodsburg,	14,470 15		806 37		7,235 07	6,428 71
Princeton,	11,988 45				5,994 22	5,994 23
Hartford,	5,208 57				2,604 28	2,604 29
Somerset,	6,643 80				3,321 90	3,321 90
Greensburg,	9,871 13				4,935 57	4,935 56
Louisville,	18,346 54				9,173 27	9,173 27
Winchester,	16,756 99				8,378 49	8,378 50
Mountsterling,	4,296 49				2,148 25	2,148 24
Flemingsburg,	10,027 37				5,013 68	5,013 69
Falmouth,	8,167 31				4,083 65	4,083 66
DOLLARS	140,638 66	618 1	806 37	7646 44	70,319 32	61,248 34

BANK OF THE COMMONWEALTH OF KENTUCKY

August 3d, 1822.

Sir:

AGREEABLY to the act of the 19th of December 1821, I have the honor herewith to report you a statement of the interest, or profit, that has accrued to this Bank and its Branches, upon the loans and discounts, and of the several appropriations that have been made by the Legislature, of those profits. The delays which have occurred in receiving the reports of the Branches, have prevented me from making this communication to you at an earlier period.

I am, with great respect,

Yours, &c.

J. J. CRITTENDEN.

PORTER CLAY, Esq.

Auditor of Public Accounts.

The first and second were read a second time, the first committed to messrs. Carneal, M'Afee, Blackburn, Marshall and Beauchamp; and the second to messrs. Lackey, Lyon and Ward.

The following bills were reported, to wit:

By Mr. Ewing—1. a bill for the benefit of Thomas Conway; and 2. a bill for the benefit of Nathan Hawkins.

By Mr. Lackey—3. a bill giving further time to survey Seminary lands.

And by Mr. Henderson—4. a bill to amend the several acts passed for the benefit of the heirs of Joseph Dupuy.

Which were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the three former were read a second time, and ordered to be engrossed and read a third time, and the first, (having been engrossed) was read a third time.

Resolved, That the said bill do pass, and that the title be, "an act for the benefit of Thomas Conoway."

Ordered, That Mr. Dawson inform the house of representatives thereof.

A bill for the benefit of Thomas Gatton and others was read a second time and committed to Messrs. Dawson, Blackburn and Miller.

Engrossed bills, to wit: A bill to provide a public Library at the seat of Government; and a bill to regulate the sale of land for taxes, were read a third time.

The former was committed to a committee of the whole house on the state of the commonwealth for Friday next.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Howard—1. a bill to alter the mode of taking in lists of taxable property.

On the motion of Mr. Ward—2. a bill to amend the law regulating civil proceedings: And 3. a bill to provide for a limitation in certain cases.

On the motion of Mr. M'Afee—4. a bill further to regulate the General Court.

And 5. a bill for the benefit of the children of Henderson Linney.

Messrs. Howard, Blackburn, Henderson and Faulkner were appointed a committee to prepare and bring in the first; Messrs. Ward, Roper, Ewing, Lackey, Bowman and Pope the second; Messrs. Ward, Fowles and Mountjoy the third; Messrs. M'Afee, Howard, Davidson and Cowan

the fourth; and Messrs. M'Afee, Faulkner and Carpenter, the fifth.

On motion of Mr. Barbee,

Ordered, That messrs. Carneal and Blackburn be added to the committee raised for the purpose of bringing in a bill to provide an Asylum for the Deaf and Dumb.

Mr. Ewing read and laid on the table a joint resolution for appointing committees to examine the public offices and Bank of Kentucky.

And then the senate adjourned.

TUESDAY, OCTOBER 29, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments, reported that they had examined two enrolled bills of the following titles, to wit:

An act for the benefit of Susannah Stroud; and an act authorising the Editors of the Richmond Republican and Farmers' Chronicle, and Morning Post and Commercial Advertiser to insert certain advertisements; and had found the same truly enrolled.

The senate received a message by Mr. Buckner, announcing that the Speaker of the house of representatives had signed said bills; and thereupon the Speaker signed the same and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee from said committee, reported that they had performed that duty.

Mr. M'Afee from the select committee to whom was referred so much of the governor's message as relates to the currency made a report, which was read as follows, to wit:

The committee to whom was referred that part of the governor's message which relates to the currency of the country, have had the same under consideration, and respectfully report:

That they, in common with their fellow citizens, feel a deep interest in the restoration of a sound circulating medium to the country as soon as practicable; and your committee rejoice to have it in their power to say, that the abundant productions of our soil, together with our increasing exports, are fast hastening this desirable event. But while we anticipate the most favorable results, and form our calculations on our future prospects, we ought not to forge

the many difficulties which have heretofore embarrassed the wisdom and energies of the legislature to select the appropriate remedies; and if in any degree, these difficulties have been more or less removed, it is to be hoped that the advocates as well as the opponents of the several measures brought forward to *relieve the country*, were governed by the purest motives; and when we thus take a retrospect of our situation for the last three or four years, we feel confident that an ample justification will be found for many of the leading measures, which were forced on the country by necessity, and adopted with reluctance. Owing to a variety of unforeseen events previous to the commencement of the year 1819, the metallic currency of the state was greatly exhausted; indeed far below what was absolutely required for the payment of existing debts. The Bank of Ky. (from causes which will be hereafter noticed) was compelled during that year to reduce her notes in circulation to about one third of the amount usually kept out by that institution; a vast amount of eastern debt had been created soon after the close of the last war by extraordinary importations of merchandize, which placed our infant manufacturing establishments in the back ground, and at once destroyed all the capital vested therein, which ruined some of our most enterprising citizens. This, when connected with the spirit of emigration to the adjoining territories and states drained the country of its specie, while an accumulating debt still existed at home. About the first day of January 1817, the Bank of the United States went into operation, and in the course of that year, two branches were established in this state. These powerful institutions immediately opened the arteries of the country through which our precious metals flowed in an unrelenting stream. To counteract their operations, and if possible, to keep up a sufficient *quantum* of currency of our own, which had been for several years supplied by the Ohio Banks, the Independent Banks were established the ensuing year. These banks, instead of curing the evil, only opened so many new avenues through which the United States' Bank and the purchasers of public lands could more easily procure the specie, which in a short time prostrated that overweaning confidence that many entertained, that the golden age had arrived. The balance of trade being against us to a great amount, when the year 1819 commenced, many began to see and feel that they had been deluded by appearances; and such was the universal pressure over the whole United States, that even the Bank of the United

States, with all its power and influence was almost driven to the brink of ruin, and was only saved by the fortunate arrival of two hundred and fifty thousand dollars in specie from the states of Kentucky and Ohio, at a moment when every other resource had failed, as acknowledged by the President of that bank in his last report. In this state, the pressure was unprecedented in every quarter of the country; alarm and distrust pervaded every class of our citizens, and it was evident to every reflecting and humane mind, that wide spread ruin and desolation would soon overwhelm thousands of our best citizens, unless some expedient could be resorted to, for the purpose of saving the country. A twelve months replevin law was resorted to in the first instance, which only dammed up the current for a time to again break loose with redoubled fury. As the hopes and expectations for that year were cut off for the want of a market; because it cannot be forgotten, that in the spring and summer of the year 1820, the products of the country had fallen to prices far below what was ever known before, and although abundance and plenty smiled around the husbandman, his debts were increasing, and a fearful looking out for the day of execution and ruin, met the unfortunate in every direction. These are stubborn facts which cannot be denied, and are now fresh in the recollection of all. Under these circumstances the legislature of 1820 assembled. What can be done to save the country, was the universal enquiry? The resources and funds of the state were known to be ample, and it was determined to draw upon her as the safest expedient.

Thus, the *Bank of the Commonwealth of Kentucky* was established, with a view of aiding our citizens to extricate themselves from misfortune, and approaching ruin, which had been cast upon them by a train of events beyond their power or control. Our people had a right to expect relief, and to effect which, they commenced a system of economy and retrenchment; but this alone was too slow for those who were already struggling with the storm, and we are happy in the belief that this bank saved many worthy citizens at an important crisis. The commonwealth, like a wise and benificent parent, gave to her children bread in a time of need. To conduct prudently, and not abuse this institution, ought to be the object of all.

Your committee have always believed that republican governments were instituted for the happiness and safety of their people, and although the Bank of the Common-

wealth has been deprecated by many as unconstitutional, which cannot be admitted according to a just construction of that instrument, but which we consider as founded upon sound wisdom ; yet the better feelings of the human heart cannot avoid responding with a noble pride, that it has been able to carry joy and gladness to the homes of the distressed, the unfortunate and the enterprising mechanic, farmer and merchant, whose all would have been sacrificed perhaps at one tenth of its value. Your committee believe that *moral principle* would as much oppose one citizen taking the property of another for one tenth or twentieth part of its value under *sanction of law*, as if it was taken *without law*. The bold and intrepid robber, who takes our property by violence, cannot have a worse conscience than the man who coolly and deliberately deprives his neighbor of his home without any *valuable consideration*, under *pretext of justice*. Moral principle and honest feeling equally forbid both.

The creditor has at all times a right to demand of his debtor what is justly due him, but at no time has he any right, according to any principle found in ethics, or in the great and fundamental laws of God and nature, to take advantage of adventitious circumstances, to demand from him and coerce ten times the amount, and whenever such a state of things exists, from *unavoidable necessity* the government is bound to interfere to protect the citizen, or it proves unfaithful to its obligation. And while no law should ever "impair the obligation of contracts or make any thing else but gold and silver a legal tender in payment of debts," yet it must be left to the legislature to provide the modes of remedy, as expediency or the peculiar situation of the country may demand ; and although it is to be regretted that in the division of the *loss and gains* of the remedies afforded, the creditor portion of the community have come in for their share ; yet it is much below what would have been the loss on the *other side*, if *specie* had been rigidly coerced for the last two or three years. Hence all the measures in relation to the currency was the least of two *inevitable evils*, and your committee are of opinion, that the Legislature of Kentucky, have wisely pursued a policy which in its nature was least calculated to do injury, and which was due to the people, on the great principle of doing *justice in mercy*, at a moment when the trade of the world had been converted into new channels, contrary to the expectations of the wisest politicians. And notwithstanding some una-

voidable injury has been inflicted on a portion of our citizens, yet it is far less than the injury which would have been felt, if the hand of relief had been withheld; and when at the close of the year 1819, the Bank of Kentucky had been driven to the wall by the United States' Bank, and had to stop specie payments under the sanction of her stockholders and with the implied consent of the legislature, it would have been an act of *cruel injustice* to our citizens to have extorted gold and silver from them. It would have been like demanding "*the pound of flesh nearest the heart,*" at a time when the withering blasts of misfortune had left none to give.

Upon the whole your committee seriously regret that the notes of the state bank and the notes of the Bank of the Commonwealth have depreciated during the present year, and it can only be accounted for, on the ground of a redundancy of the paper of these banks, because it must be acknowledged by all, that the resources of the state are ample for the redemption of all the paper of both institutions, and it cannot be doubted that the legislature intend to faithfully apply them. Yet even this evil has not been permitted to prevail, without its concomitant good. The high rate of exchange has had a tendency to increase the quantity of gold and silver, as these articles naturally flow to the *highest market*, as every other species of property, which is *fully demonstrated by all writers on political economy*. Hence a new spring has been given to enterprise by enabling our exporters to carry to other states and countries, our flour, tobacco, horses, hogs and beef cattle, and in return to bring back a sound circulating medium, which is fast supplying the place of the paper of both banks, which at this time is rapidly diminishing. So far as relates to the policy of permitting the state bank to pay over the whole of the state's stock to the bank of the commonwealth at this time, your committee believe that it would be injurious to both institutions to disconnect them too suddenly, at a time when their true interests does not require it; but said institution should be permitted to wind up its concerns in connection with the state, until a just and equitable division be made so as complete justice may be done to all the stockholders as well as the state, according to the provisions of its charter. Your committee would therefore recommend that the state bank continue to be united with the state for the present, and that a rigid and faithful adherence to the views and intentions of the founders of the

Commonwealth's Bank be maintained by strictly and honorably fulfilling the provisions of the charter, in sustaining the directory in their regular calls, and in all other measures calculated to promote the public good, and we may then justly expect to see confidence soon restored, and the currency of the country once more assume a value which will enable the bank to provide the means for the payment of gold and silver for its notes.

Your committee therefore beg leave to recommend the following resolutions as the outlines of their policy.

1. *Resolved*, That a sum not exceeding one million of dollars each, of the notes of the Bank of the Commonwealth, and the notes of the State Bank, be burnt, one half as soon as the same can be effected, and the balance in six and twelve months.

2. That a replevin of twelve months only be given on all contracts entered into after the first day of March next, in case the plaintiff does not choose to avail himself of the Endorsement Law.

3. That all original contracts specially made for the payment of specie after the first day of March next, be repleviable after judgment for three months only.

4. That this General Assembly have full confidence in the redemption of the notes of the Bank of the Commonwealth, and that the means provided by the original charter will be faithfully applied.

ROBT. B. M'AFEE, *Chm.*

P. BARRETT.

CHARLES MOREHEAD.

TH. D. CARNEAL.

Ordered, That said report be laid on the table.

The senate received a message by Mr. Booker, announcing that the house of representatives had concurred in the amendments made to a bill entitled an act establishing a tobacco inspection in the town of Dover and county of Mason and in the town of Covington and county of Campbell; and that they had adopted a resolution for appointing joint committees to examine the Bank of Kentucky and the different offices of government. The resolution was taken up and committed to messrs. Blackburn, Howard, Carneal, Roper and Pope.

Mr. Ewing moved to amend the 42d rule by striking out the words "and shall have remained there one day during the sitting of each court."

The senate received a message by Mr. Cowan, announcing that the house of representatives were ready to proceed to the election of a senator in congress, and that Richard M. Johnson, stood alone in nomination.

Ordered, That Mr. Ward inform the house of representatives that the senate are ready to proceed in said election, and that the same gentleman stands on nomination in the senate.

The senate proceeded in said election, and messrs. Blackburn and Henderson were appointed a committee on the part of the senate to meet a committee from the house of representatives, to compare the vote and report the result.

The committee retired, and after some time returned and reported that Richard M. Johnson had received an unanimous vote.

Whereupon, he was declared duly elected.

Mr. Lackey from the select committee to whom was referred a bill from the house of representatives, entitled an act to establish election precincts in Lincoln and Fleming counties, and for other purposes, reported the same without amendment, and it was read a third time.

Resolved, That the said bill do pass and that the clerk inform the house of representatives thereof.

A bill from the house of representatives, entitled an act for the benefit of the heirs of Alexander Ashby and John Metcalfe was read a second time and was ordered to be read a third time.

A bill to amend the several acts passed for the benefit of the heirs of Joseph Dupuy, was read a second time, and ordered to be engrossed and read a third time.

Engrossed bills, to wit :

A bill for the benefit of Nathan Hawkins ; and a bill to amend an act authorising the location of certain seminary lands and for other purposes, were read a third time.

Resolved, That the former bill do pass and that the title be, an act for the benefit of Nathan Hawkins, and that Mr. Ewing inform the house of representatives thereof.

The latter bill was committed to messrs. Beauchamp, Lackey, Carneal and Ward.

And after some time Mr. Beauchamp from said committee, reported said bill with an amendment, which was concurred in.

Ordered, That the said bill be re-engrossed and read again.

On motion of Mr. Blackburn, leave was given to bring in a bill to restore confidence and to prevent or punish frauds and trespasses; and messrs. Blackburn, Carpenter, White, Flournoy, Roper and Pope were appointed a committee to prepare and bring it in.

And then the senate adjourned.

WEDNESDAY, OCTOBER 30, 1822.

The senate assembled.

Nathan D. Anderson, senator from the counties of Breckinridge, Ohio and Daviess, appeared and took his seat.

Mr. Blackburn presented the petition of William B. Long, praying that a law may be passed authorising an equitable adjustment of a claim he has against the penitentiary institution.

Which was read and referred to the committee for courts of Justice.

Mr. Ewing from the committee of propositions and grievances made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration, a petition to them referred, and have come to the following resolution thereupon, to wit:

Resolved, That the petition of sundry inhabitants of the counties of Nelson, Bullitt and Shelby, praying for the erection of a new county out of parts of each of said counties, *be rejected*.

It was moved to amend the resolution by striking out the words "be rejected," and inserting in lieu thereof the words "is reasonable."

And the question being taken thereon, it was resolved in the negative—Yeas 8, Nays 24.

The yeas and nays being required thereon by messrs. Beauchamp and Dawson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Beauchamp, Davidson, Dawson, Ewing, Gorin, Lyon, Montjoy and Ward.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Faulkner, Flournoy, Henderson, J. L. Hickman, R. Hickman, Howard, Marshall, M'Affee, Miller, Morehead, Pope, Smith, Towles, White and Worthington.

The resolution was then concurred in, and leave given Mr. Beauchamp to withdraw the papers.

Mr. Barbee from the joint committee of enrolments, reported that they had examined an enrolled bill entitled an act for establishing a tobacco inspection in the town of Dover, in the county of Mason, and in the town of Covington in the county of Campbell; and had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said bill; whereupon the Speaker signed the same, and it was delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

The Speaker laid before the senate the following communication from Richard M. Johnson, which was read as follows, to wit:

TO THE HON. PRESIDENT OF THE SENATE.

SIR,

I enclose an address returning my acknowledgments to the house over which you preside, which I beg you to lay before them.

Your obedient servant,

RH. M. JOHNSON.

TO THE MEMBERS OF THE GENERAL ASSEMBLY.
Gentlemen:

HAVING been informed, that I have been again elected, by your suffrages, to the responsible station of senator in the congress of the United States, I am desirous to express to you, the deep sense of gratitude with which I receive this renewed testimonial of my country's confidence.

To receive the unanimous vote of the general assembly, for an office, which, from its importance and elevation, invites the competition of great and good men, was an honor I could not hope to attain, and shall never forget. It is to me the most conclusive and consoling evidence, that my country is ready to reward the zeal and sincerity of her public agents, however humble their talents, or limited the sphere of their usefulness.

At such a moment, I cannot but look back, with pleasure, not unmingled with pride, to the repeated kindnesses I have received from the legislature and people of Kentucky. My political course commenced in early life. I have served,

in the state legislature, and in the congress of the United States, without interruption, for the term of eighteen years. It is a consoling reflection, to find, at the close of this period, my re-election furnishes the most satisfactory evidence, that I have maintained your confidence unimpaired.

In discharging the many difficult, perplexing, and important duties that have devolved upon me, I am conscious that I have little to boast of, except an entire devotion to the best interests of the state, as far as my judgment and experience could guide me. When I reflect on past events, in which duty has called me to bear a part, including the period of a sanguinary war, with a powerful enemy—the measures necessary to its successful prosecution, and honorable termination—I am deeply impressed with the awful responsibility of the trusts which have been committed to my hands, as well as the kindness with which my attempts faithfully to discharge them, have been viewed by my indulgent fellow-citizens.

In this selection of a senatorial representative, the elective principle of our government has been once more exerted. Of all the principles in our political system, I hold this to be the most sacred, the most vitally important to our continued existence as a free people. It is the great corrective of abuse; it is the sure check of arbitrary power; it is the certain remedy for violated confidence. It brings to the level of the humblest citizen, the highest functionary of the government. In the agitations and convulsions, which are incident to every state of society, where parties struggle for power, like Neptune's trident, it calms the angry billows, and brings the laboring vessel of state into the port of safety and peace.

With deep interest, we trace the rise, progress and dissolution of the ancient Republics. With equal solicitude, we look upon the revolutions of modern times. We consider the nature and form of our own institutions, and we are ready to ask, in what our theory differs so essentially from all others, that we can look, with confidence, to their stability and lasting duration? Among all the points of difference, there is not one, on which the mind rests and centres its hopes, with the assurance of faith, so strongly, as upon the right of suffrage. Through this, every public functionary, however elevated his station, or extended his term of service, is, or ought to be, either directly or indirectly, responsible to the people. In fine, it is the grand principle by which millions rule themselves.

The situation of my private concerns, deranged by the misfortunes of some of my nearest kindred, has often inclined me to retire from the public service; but the kindness of my friends, whose fidelity has been strengthened, as adversity thickened around me, has overruled every such inclination.

In accepting the station again assigned me, I cannot find language to express the deep sense of obligation which I feel, or the desire of my heart, to preserve, by every exertion in my power, my country's honor.

With ardent wishes for the prosperity and happiness of each of you, gentlemen, I am, with sentiments of profound respect and esteem,

Your obedient servant,

RH. M. JOHNSON.

Mr. Dawson from the select committee to whom was referred a bill for the benefit of Thomas Gatton and others, reported the same with amendments, which were concurred in, and the bill having been engrossed was read a third time.

Resolved, That said bill do pass and that the title be, an act for the benefit of Thomas Gatton and others, and that the clerk inform the house of representatives thereof.

Mr. Blackburn from the select committee to whom was referred resolutions from the house of representatives, appointing joint committees to examine the Bank of Kentucky and the public offices; reported the same with amendments, which were concurred in and the resolution as amended adopted, as follows:

IN HOUSE OF REPRESENTATIVES, October 28, 1822.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a committee of three from the senate and six from the house of representatives, be appointed to examine the Bank of Kentucky, and to report specially the amount of capital stock of said bank and each of its branches; distinguishing therein the amount owned by the state and amount owned by individuals, together with the name of each individual stockholder, his amount of stock, and the amount of such individual's debt and responsibilities to said bank and branches, and the amount of debt that has been paid by the receipt of real estate. Also, the amount of debts, deposits, and notes in circulation of the mother bank and of each branch; the specie in the principal bank and

each of its branches, distinguishing that belonging to the bank and branches and that on deposit, and the amount of debts that have been extinguished by a surrender of stock, and such other matters in relation to the bank and branches as they may deem material; and that they have power to send for persons, papers and records.

Resolved, That a joint committee of three from the senate and six from the house of representatives, be raised for the purpose of examining and reporting the situation of the Auditor's Office.

That a joint committee of three from the senate and six from the house of representatives, be appointed to examine and report the situation of the Register's Office.

That a joint committee of three from the senate and six from the house of representatives be raised to examine and report the situation of the Treasury.

Ordered, That the clerk inform the house of representatives thereof.

A bill from the house of representatives for the benefit of the heirs of Alexander Ashby and John Metcalfe, was read a third time.

Resolved, That the said bill do pass, and that the clerk inform the house of representatives thereof.

Engrossed bills to wit:

A bill to amend the several acts passed for the benefit of the heirs of Joseph Dupuy.

And a bill to amend an act authorising the location of certain Seminary Lands and for other purposes, were read a third time.

Resolved, That the said bills do pass, and that the titles be, "an act to amend the several acts passed for the benefit of the heirs of Joseph Dupuy; and an act to amend an act authorising the location of certain seminary lands, and for other purposes," and that the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Howard—a bill for the benefit of Hannah Hardin.

And on the motion of Mr. Beauchamp—a bill to provide for the improvement and cultivation of certain lands in this commonwealth.

Messrs. Howard, Ballinger and Barrett were appointed a committee to prepare and bring in the former, and messrs. Beauchamp, Ward and Henderson the latter.

Mr. Barbee laid before the senate the report of Henry

Sanders, James Durham and John Muldrough, three commissioners appointed under the act of last session for improving the road leading from Lexington to Nashville in Tennessee, from where the same crosses the Rolling Fork to the summit of Muldrough's Hill; containing an accurate statement of the expences in the repairs of said road; amounting to \$ 1,036 42; together with the following certificates, to wit:

We, the undersigned, commissioners, do certify, that the labour within named, has been performed agreeable to law, to wit: From the Rolling Fork to the summit of Reed's Hill; principally on Muldrough's Hill, a part on Reed's Hill; as also between the Fork and Muldrough's Hill, as well as between the last named hill and Reed's Hill, there was a considerable portion of marshy ground; about 1600 yards of which, with that on the hills, have been causewayed with timber and earth, so that the whole of the road from the fork to the summit of Reed's Hill, is now in good order.

Given under our hands this 22d day of August, 1822.

HENRY SANDERS,	} Comm'rs.
JAMES DURHAM,	
JOHN MULDROUGH,	

STATE OF KENTUCKY, GREEN CIRCUIT, SCT.

I, JOHN BARRET, Clerk of the Circuit Court in and for the county of Green, do certify, that Henry Sanders and James Durham, commissioners appointed by an act of the General Assembly of Kentucky, of the 21st December 1821, entitled "an act to improve the road leading from Lexington to Nashville in Tennessee, from where the same crosses the Rolling Fork to the summit of Muldrough's Hill," this day came into court and made oath to the foregoing statement, to which their names are subscribed as required by the foregoing recited act.

Given under my hand this 22d day of August 1822.

JOHN BARRET, c. c. c.

Ordered, That the balance of fifty-eight cents returned with said report be paid over to the Treasurer of the commonwealth.

And then the senate adjourned.

THURSDAY, OCTOBER 31, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments, reported that they had examined an enrolled bill entitled, an act to establish election precincts in Lincoln and Fleming counties, and for other purposes; and had found the same truly enrolled.

The senate received a message by Mr. Buckner, announcing that the Speaker of the house of representatives had signed said bill; whereupon the Speaker signed it and it was delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. M'Asce from the joint committee to whom was referred the articles of convention between Kentucky and Virginia reported resolutions for confirming them, which were read and laid on the table as follows, viz.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the articles of convention settled and agreed upon by Henry Clay, and Benjamin Watkins Leigh, Esqrs. commissioners; the latter on the part of Virginia and the former on the part of Kentucky, bearing date the 5th day of June 1822, be, and the same are hereby approved and ratified.

Resolved, That the legislature will, by joint ballot, on the day of next, elect two commissioners on the part of Kentucky in pursuance of the convention made by the Virginia and Kentucky commissioner.

Resolved, That the legislature will, by joint ballot, on the day of next, elect two fit persons as counsel to represent the state of Kentucky before the board of commissioners to be organized agreeable to the said convention.

Resolved, That the governor of this state be requested to communicate the foregoing resolutions to the Governor of the state of Virginia, as soon as convenient, to be laid before the legislature of said state.

The following bills were reported by Mr. M'Asce—1. a bill further to regulate the General Court; 2. a bill to amend an act entitled an act to regulate endorsements on executions; and 3. a bill to reduce the paper currency.

And by Mr. Ward—4. a bill to provide for the limita-

tion of actions ; which were read the first time and ordered to be read a second time.

The rule being dispensed with, the first bill was read a second time and committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

Ordered, That the public printers forthwith print one hundred and fifty copies of the second and third bills for the use of the legislature.

The senate received a message from the house of representatives by Mr. M'Elroy, announcing the passage of a bill to legalize the proceedings of the county court of Union ; which was read the first time, and the rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass and that Mr. Blackburn inform the house of representatives thereof.

Mr. Ewing read and laid on the table a resolution for calling a convention, viz.

Resolved by the General Assembly of the Commonwealth of Kentucky, That a law ought to pass to take the sense of the good people of this commonwealth on the propriety of calling a convention.

And then the senate adjourned.

FRIDAY, NOVEMBER 1, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments reported that they had examined two enrolled bills of the following titles, to wit:

An act to legalize the proceedings of the county court of Union ; and an act for the benefit of the heirs of Alexander Ashby and John Metcalfe ; and had found the same truly enrolled.

The senate received a message by Mr. Buckner, announcing that the Speaker of the house of representatives had signed said bills.

Whereupon the Speaker signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee from said committee reported that they had performed that duty.

Mr. Davidson presented the petition of Alexander Mills, administrator of William Craig, deceased, praying that he may be authorised to sell a tract of land on which is situ-

ated a horse mill, of which his intestate died seized, for the payment of his debts.

Which was read and referred to Messrs. Davidson, Carneal and Faulkner, with leave to report by bill or otherwise.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Carpenter—1. a bill to provide for the more speedy sale of the articles manufactured in the Penitentiary.

On the motion of Mr. Ward—2. a bill to establish and regulate the Town of Louisa in the county of Lawrence.

On the motion of Mr. Blackburn—3. a bill to repeal in part the sixth section of the act to reduce into one the several acts subjecting land to the payment of debts.

Messrs. Carpenter, Pope, Beauchamp and Ewing were appointed a committee to prepare and bring in the first ; Messrs. Ward, Lackey and Davidson the second, and Messrs. Blackburn, Barrett and Henderson the third.

A bill to reduce the quantity of paper currency ; a bill to amend the act entitled an act to regulate endorsements on executions ; and a bill to provide for the limitation of certain actions, were severally read a second time.

The first was committed to a committee of the whole house on the state of the commonwealth for Thursday next, and the second for Wednesday next.

The third was committed to the committee raised to prepare and bring it in, and Mr. Carpenter was added thereto.

And after some time Mr. Carpenter reported the same with an amendment, which was concurred in and the bill ordered to be engrossed and read a third time.

The senate received a message from the house of representatives by Mr. Cosby, announcing the passage of a bill for the benefit of Cyrus Edwards and wife.

The bill was read the first time and the rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass and that Mr. Ewing inform the house of representatives thereof.

The order of the day was postponed.

And then the senate adjourned.

SATURDAY, NOVEMBER 2, 1822.

The senate assembled.

William Owens, senator from Adair and Casey, appeared and took his seat.

Samuel L. Williams, senator from Montgomery and Es. till appeared, produced a certificate of his election, and having taken the several oaths of office, took his seat.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereon, to wit:

Resolved, That the petition of William Davis of Hickman county, praying that he may have the exclusive privilege of purchasing the quarter section on which he has erected a grist mill, at a price to be fixed by law, *is reasonable*.

Resolved, That the petition of Charles Brandon, praying that he may be permitted to purchase at the minimum price, the quarter section of land including his mill on Blood River, in Hickman county, *is reasonable*.

Which was twice read and concurred in.

Ordered, That said committee prepare and bring in bills pursuant to said resolutions.

The following bills were reported, to wit:

By Mr. Davidson—1. a bill for the relief of the widow and heirs of William Craig, deceased.

By Mr. Blackburn—2. a bill to restore confidence, and prevent or punish Frauds and Trespasses.

And 3. a bill to repeal a part of the sixth section of an act to reduce into one the several acts subjecting lands to the payment of debts.

And by Mr. Beauchamp—4. a bill to provide for the improvement and cultivation of certain lands.

Which were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the first bill was read a second and third time. (having been engrossed.)

Resolved, That the said bill do pass, and that the title be, an act for the relief of the widow and heirs of William Craig, deceased, and that Mr. Davidson inform the house of representatives thereof.

Ordered, That the public printers forthwith print 150 copies of the second bill for the use of the members of the legislature.

The senate received a message from the house of representatives by Mr. Booker, announcing the passage of the following bills from the senate, to wit:

A bill for the benefit of the heirs of Richard M. and John S. Gano; and a bill for the benefit of Thomas Conoway.

And that they had passed bills of the following titles, to wit: 1. a bill for the benefit of William Scott; 2. a bill to repeal in part an act authorising Rudolph Neat to build a mill dam on Green River; 3. a bill to establish election precincts in the counties of Floyd, Washington, Adair, Greenup, Hardin and Casey; and had concurred in the amendments made by the senate to a resolution for appointing committees to examine the public offices, with amendments.

The amendments were then concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The said bills were read the first time and ordered to be read a second time.

The rule being dispensed with, the first and third were read a second time, and the first committed to Messrs. Owens, Carneal and Bowman.

The senate received a message from the house of representatives by Mr. Smith (of Rockcastle,) announcing the passage of a bill for the benefit of Joseph Delany of Lincoln county, and Merit Singleton of Rockcastle county; and by Mr. George, announcing the passage of a bill to attach the county of Owen to the fourth, and the county of Muhlenburg to the sixth Bank district.

The said bills were read the first time, and the rule being dispensed with, they were read a second time.

The former was committed to Messrs. Flournoy, Dawson, Davidson and Carpenter, and the latter to Messrs. Marshall, Ewing, Carneal, Lyon, Montjoy and Worthington.

Mr. Owens presented the petition of Marcus Huling, praying that he may be authorised to erect certain water works on Cumberland River.

Which was read and referred to Messrs. Owens, Barbee and Bowman, with leave to report by bill or otherwise.

An engrossed bill to provide for the limitation of certain actions was read a third time and committed to Messrs. Beauchamp, Pope, Ward and Blackburn.

The senate received from the Governor by Mr. Anderson, a message in writing, and the rule being dispensed with, it was taken up and read as follows, to wit:

Members of the Senate,

nominate for your advice and consent, James Breathitt, Commonwealth's Attorney, in the seventh judicial district, in the place of Robert P. Henry, resigned.

JOHN ADAIR.

November 2d, 1822.

Resolved, That the senate advise and consent to said appointment, and that Messrs. Ewing and Lyon inform the governor thereof.

And then the senate adjourned.

MONDAY, NOVEMBER 4, 1822.

The senate assembled.

Mr. Ewing presented the petition of George M'Daniel praying a divorce from his wife Betsey M'Daniel.

Which was read and with the accompanying documents referred to the committee of religion.

Mr. Carneal from the select committee to whom was referred a bill from the house of representatives giving further time to the Independent Banks to close the business of said institutions, reported the same with an amendment in lieu of the bill, which was concurred in and ordered to be read a third time.

Ordered, That the public printers print 150 copies of said amendment for the use of the legislature.

The following bills were reported, to wit:

By Mr. Owens—1. a bill for the benefit of Marcus Huling.

By Mr. Ward—2. a bill to establish and regulate the town of Louisa in the county of Lawrence.

By Mr. Howard—3. a bill for the benefit of James Woods; and 4. a bill for the benefit of Hannah Hardin.

Which were read the first time and ordered to be read a second time; and the rule being dispensed with, the first, third and fourth were read a second time, and the first committed to Messrs. Bowman, Faulkner, Ewing and Owens; and the third to the committee for courts of justice; and the fourth was ordered to be engrossed and read a third time.

Mr. Marshall from the select committee to whom was re-

ferred a bill from the house of representatives to attach the county of Owen to the fourth and the county of Muhlenburg to the sixth bank district, reported the same without amendment.

The bill was ordered to be read a third time and then laid on the table indefinitely.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Owens—1. a bill to amend the penal laws.

On the motion of Mr. Montjoy—2. a bill to amend the several acts establishing a turnpike on the road from George town to Cincinnati.

On the motion of Mr. Marshall—3. a bill to authorise the appointment of a surveyor of the lands set apart for the Virginia state line.

On the motion of Mr. Beauchamp—4. a bill to amend the several laws concerning champerty and maintainance.

Messrs. Owens, Marshall and Lackey were appointed a committee to prepare and bring in the first; Messrs. Montjoy, Smith and Carneal the second; Messrs. Marshall, Roper and Howard the third; and Messrs. Beauchamp, Owens and J. L. Hickman the fourth.

A bill from the house of representatives to repeal an act authorising Rudolph Neat to build a mill dam on Green River; and a bill to provide for the improvement and cultivation of certain lands were read a second time.

The former was committed to Messrs. Beauchamp, Ewing and Lyon; and the latter to Messrs. Beauchamp, Marshall, Anderson and Flournoy.

Mr. Owens from the select committee to whom was referred a bill from the house of representatives for the benefit of William Scott, reported the same with an amendment, which was concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass and that the title be, 'an act for the benefit of William Scott, and Sally M'Galin.'

Ordered, That Mr. Owens inform the house of representatives thereof.

And then the senate adjourned.

TUESDAY, NOVEMBER 5, 1822,

The senate assembled.

The senate received a message from the house of representatives by Mr. Cowan, announcing the passage of the following bills from the senate, to wit:

A bill for the relief of the widow and heirs of William Craig, deceased; and a bill for the benefit of Nathan Hawkins; and that they had passed a bill for the relief of the representatives of David Johnson, deceased.

Which bill was read the first time and ordered to be read a second time.

Mr. Dawson from the select committee to whom was referred a bill to establish election precincts in the counties of Floyd, Washington, Adair, Greenup, Hardin and Casey, reported the same with amendments, which were concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Howard inform the house of representatives thereof.

Mr. Marshall presented the petition of the President and Directors of the Frankfort and Shelbyville Turnpike Road Company, praying an amendment of their charter.

Which was read and referred to the committee of propositions and grievances.

The following bills were reported, to wit:

By Mr. Flournoy—a bill to extend the right of revivor of actions.

By Mr. Ewing—a bill for the benefit of Charles Brandon and William Davis.

By Mr. Marshall—a bill to authorize the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line.

Which were read the first time and ordered to be read a second time.

The senate then according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Bowman in the chair; and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Bowman reported that the committee had, according to order, taken under consideration, a bill further to regulate the General Court and had gone through the same without amendment.

The bill having been engrossed was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act further to regulate the General Court,' and that Mr. M'Affee inform the house of representatives thereof.

Mr. Ward from the select committee to whom was referred an engrossed bill to provide for a limitation in certain actions, reported the same with amendments, which were concurred in and the bill ordered to be re-engrossed and read again.

A bill to establish and regulate the town of Louisa in the county of Lawrence; and a bill to restore confidence and prevent or punish frauds and trespasses, were read a second time.

The former was ordered to be engrossed and read a third time, and the latter was committed to a committee of the whole house on the state of the commonwealth for to-morrow.

An engrossed bill for the benefit of Hannah Hardin was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act for the benefit of Hannah Hardin and David Prewitt, Sen. and that Mr. Howard inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Owens—a bill to amend the judiciary system.

On the motion of Mr. Dawson—a bill for the benefit of Burrell Temple.

Messrs. Owens, Blackburn, Henderson and Marshall were appointed a committee to prepare and bring in the former; and messrs. Dawson, Miller, Lyon, Carpenter, Howard and Flourney the latter.

Mr. Flourney from the select committee to whom was referred a bill from the house of representatives for the benefit of Joseph Delany of Lincoln county, and Merit Singleton of Rockcastle county, reported the same without amendment, and it was read a third time.

Resolved, That the said bill do pass, and that Mr. Davidson inform the house of representatives thereof.

And then the senate adjourned.

WEDNESDAY, NOVEMBER 6, 1822.

The senate assembled.

The Lieutenant Governor appeared and resumed the duties of the chair.

The following committees were appointed on the part of the senate pursuant to a joint resolution, to wit:

To examine the Treasurer's Office, messrs. Davidson, Faulkner and Lyon.

To examine the Register's Office, messrs. Lackey, Anderson and Henderson.

To examine the Auditor's Office, messrs. Ward, J. L. Hickman and Towles.

To examine the Penitentiary, messrs. Marshall, Howard, Blackburn, Pope, Barrett and White.

And to examine the Bank of Kentucky, messrs. Flournoy, Carneal and Beauchamp.

Ordered, That Mr. Ewing inform the house of representatives thereof.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

Resolutions appointing joint committees to examine the Bank of Kentucky, the Public Offices and the Penitentiary.

An act for the benefit of Cyrus Edwards and wife.

An act for the benefit of Joseph Delany of Lincoln county and Merit Singleton of Rockcastle county.

And had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said enrolled bills and resolution; whereupon the Speaker signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. Gorin presented the petition of sundry citizens of the counties of Warren, Grayson, Hart and Butler, praying the erection of a new county out of parts of each.

Mr. Worthington presented the petition of sundry citizens of said counties, counter thereto.

Which were read and referred to the committee of propositions and grievances.

The following bills were reported, to wit:

By Mr. Pope—1. a bill to regulate proceedings in chancery in certain cases; and 2. a bill to authorise the appointment of an additional constable in Jefferson county.

By Mr. M'Afee—3. a bill for the benefit of the children of Henderson Linney.

By Mr. Owens—4. a bill to amend the judiciary system.

Which were read the first time and ordered to be read a second time.

On the motion of Mr. Carpenter, leave was given to bring in a bill to regulate proceedings in certain cases, and messrs. Carpenter, Pope and Towles, were appointed a committee to prepare and bring it in.

A bill to repeal a part of the sixth section of the act subjecting lands to the payment of debts was read a second time and committed to messrs. Marshall, M'Afee and Ward.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Barbee in the chair; and after some time spent therein Mr. Speaker resumed the chair, and Mr. Barbee reported, that the committee had, according to order, had under consideration, a bill to amend the act to regulate endorsements on executions, and made some progress therein, but not having time to go through the same, had instructed him to ask for leave to sit again.

On the motion of Mr. Ewing,

Ordered, That the committee of the whole house on the state of the commonwealth, be discharged from the further consideration of the following bills, to wit:

A bill to restore confidence and prevent or punish frauds and trespasses.

A bill to reduce the quantity of paper currency of this state.

And a bill to amend an act regulating endorsements on executions; and the said bills were committed to messrs. Blackburn, Pope, M'Afee, Marshall, Towles, Carneal and Flournoy.

Mr. Owens presented the petition of John Tyler and Sally, his wife, late Sally Reavill, (who is an infant under 21 years of age,) praying that they may be authorised to convey a lot in Danville which descended from her father, and which they have sold and received the consideration.

Which was read and referred to the committee for courts of justice.

Mr. Owens from the select committee to whom was referred a bill for the benefit of Marcus Haling, reported the same with an amendment, which was concurred in and the bill ordered to be engrossed and read a third time.

The bill from the house of representatives giving further time to the Independent Banks to wind up their business, was laid on the table.

The senate received several messages from the house of representatives, announcing the passage of the following bills, to wit:

A bill regulating the county court of Fayette.

A bill for the benefit of the heirs of James Kirkham.

A bill providing for the removal of the seat of justice for Campbell county.

A bill to amend the act establishing a gate on the Turnpike road leading from Frankfort to Shelbyville.

A bill for the benefit of George Adams.

A bill for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased.

A bill for the benefit of the widow and heirs of Archibald Mitchell, deceased.

A bill for the benefit of Benoni S. Newland and James Lyon.

And a bill to incorporate the Springfield Circulating Library Company.

And the passage of a bill from the senate to amend the several acts passed for the benefit of the heirs of Joseph Dupuy.

And then the senate adjourned.

THURSDAY, NOVEMBER 7, 1822.

The senate assembled.

Mr. Williams presented the petition of Polly Tomlinson, executrix of James Tomlinson, deceased, praying that a law may be passed authorising the sale of a small tract of land belonging to said estate.

Mr. Gorin presented the petition of the executors and heirs of John Courts, deceased, praying that a law may pass authorising the sale of a tract of land on which is situated a powder mill, for the payment of the debts of the deceased.

Mr. Owens presented the petition of Peyton Chapman, praying a divorce from his wife Nancy Chapman.

Which were severally read and referred; the two former with the accompanying documents to the committee for courts of justice, and the latter to the committee of religion.

Mr. Smith from the committee of religion, made the following report, to wit:

The committee of religion, have, according to order, had under consideration the petition of George M'Daniel of Christian county, praying that a law may be passed divorcing him from his wife Betsy M'Daniel, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition be rejected.

Which was twice read and concurred in.

Mr. Barbee from the joint committee of enrolments reported that they had examined sundry enrolled bills of the following titles, to wit:

An act for the relief of the widow and heirs of William Craig, deceased.

An act for the benefit of William Scott and Sally M'Gallin.

An act to establish election precincts in the counties of Floyd, Washington, Adair, Greenup, Hardin and Casey.

And had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said bills.

Whereupon the Speaker signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee from said committee reported that they had performed that duty.

The senate received several messages from the house of representatives, announcing that they had passed a bill from the senate for the benefit of Thomas Gatton and others, and had concurred in the amendments made by the senate to the following bills, to wit:

A bill to establish election precincts in the counties of Floyd, Washington, Adair, Green, Hardin and Casey; and a bill for the benefit of William Scott; and that they had passed bills of the following titles, to wit:

A bill directing the appointment of additional constables in the counties of Shelby, Washington, Nicholas, Bullitt, Casey, Lawrence, Jefferson, Harrison and Mercer.

A bill to amend an act concerning the duties of the Register of the land office.

A bill for the benefit of George Goddard.

A bill for the benefit of Angus Ross.

A bill to authorise the trustees of the town of Harrodsburg to cause pavements to be made in said town.

And a bill for the benefit of the heirs of John Smith, deceased.

The following bills were reported, to wit :

By Mr. Dawson—1. a bill for the benefit of Burrell Temple.

By Mr. Towles—2. a bill to provide for the admission of deeds and powers of attorney as evidence in certain cases.

And by Mr. Carpenter—3. a bill to regulate proceedings in certain cases.

Which were read the first time and ordered to be read a second time ; and the rule being dispensed with, the first bill was read a second time, amended at the clerk's table and ordered to be engrossed and read a third time.

On motion,

Ordered, That the committee for courts of justice be discharged from the further consideration of a bill for the benefit of James Woods, and it was ordered to be engrossed and read a third time.

Bills from the house of representatives of the following titles, to wit : 1. a bill regulating the county court of Fayette ; 2. a bill for the benefit of the heirs of James Kirkham ; 3. a bill to incorporate the Springfield Circulating Library Company ; 4. a bill for the benefit of George Adams ; 5. a bill for the benefit of the widow and heirs of Archibald Mitchell, deceased ; 6. a bill to amend the act establishing a gate on the Turnpike road leading from Frankfort to Shelbyville ; 7. a bill for the benefit of Benoni S. Newland and James Lyon ; 8. a bill providing for the removal of the seat of justice of Campbell county ; 9. a bill for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased.

Were severally read the first time, and the rule being dispensed with, they were read a second time and the five former a third time.

Resolved, That the five former bills do pass. and that the clerk inform the house of representatives thereof.

The sixth was committed to the committee of propositions and grievances ; the seventh to messrs. Owens, Beauchamp and Lyon ; the eighth to messrs. Carneal, Marshall,

and Flournoy, and the ninth to messrs. Blackburn, Towles and J. L. Hickman.

The senate received information by Mr. Anderson, that the governor did, on the 29th October, and this day, approve and sign enrolled bills which originated in the senate of the following titles, to wit :

An act for the relief of Susannah Stroud.

An act authorising the Editors of the Richmond Republican and the Farmer's Chronicle, and the Morning Post and Commercial Advertiser, to insert certain advertisements.

And an act for the relief of the widow and heirs of William Craig, deceased.

Ordered, That the clerk inform the house of representatives thereof.

A bill providing for the appointment of an additional constable in Jefferson county ; and a bill to amend the judiciary system ; were read a second time ; the former was laid on the table and the latter committed to a committee of the whole house on the state of the commonwealth.

And then the senate adjourned.

FRIDAY, NOVEMBER 8, 1822.

The senate assembled.

Mr. Towles presented the petition of sundry citizens of the town of Henderson, praying that a law may be passed vesting the trustees with additional powers.

Mr. Barbee presented the petition of the legatees of Mary Dudgeon, deceased, praying that a law may be passed authorising a sale of a lot of ground in the town of Campbellsville.

Which were severally read and referred ; the former to the committee of propositions and grievances and the latter to the committee for courts of justice.

Mr. Blackburn from the committee for courts of justice made the following report, to wit :

The committee of courts of justice, have, according to order, had under consideration, sundry petitions to them referred, and have come to the following resolutions thereupon, to wit :

Resolved, That the petition of the executrix and executors and heirs of John Courts, deceased, praying that a law may be passed authorising an exchange of a tract of land con-

taining one hundred acres lying in the county of Hart, including a powder mill, grist and saw mill, for other property in the county of Warren, is reasonable.

Resolved, That the petition of John Tyler and Sally Tyler, heirs at law of Charles Reavel, deceased, praying that a law may be passed authorising them to convey a lot of ground in the town of Danville, to Jeremiah Fisher, is reasonable.

Which were severally concurred in.

Ordered, That said committee prepare and bring in bills pursuant thereto.

Mr. Owens from the select committee to whom was referred a bill from the house of representatives for the benefit of Benoni S. Newland and James Lyon, reported the same with an amendment, which was concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read, 'an act for the benefit of Benoni S. Newland, James Lyon and Thomas Rowe,' and that the clerk inform the house of representatives thereof.

The following bills were reported, to wit:

By Mr. Beauchamp—a bill to amend the several acts concerning champerty and maintainance.

By Mr. Mountjoy—a bill to amend an act establishing a Turnpike Road leading from Georgetown to Cincinnati.

Which were read the first time and ordered to be read a second time.

A bill for the benefit of the children of Henderson Linney was read a second time, and having been engrossed and the rule dispensed with, it was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act for the benefit of the children of Henderson Linney,' and that Mr. M'Affee inform the house of representatives thereof.

A bill from the house of representatives to attach the county of Owen to the fourth, and the county of Muhlenburg to the sixth bank district of the Bank of the Commonwealth of Kentucky was taken up and read a third time.

Resolved, That the said bill do pass and that Mr. M'Affee inform the house of representatives thereof.

Engrossed bills, to wit: A bill providing for the limitation of certain actions; and a bill to establish and regulate the town of Louisa in the county of Lawrence were read a third time; the former was committed to messrs. Owens, Flournoy and Beauchamp; and the latter to messrs. Ward, Lackey and Lyon.

The Speaker laid before the senate, the following letter and memorial, to wit:

BANK OF KENTUCKY, Nov. 7th, 1822.

SIR,

Under cover is a memorial from the Stockholders of the Bank of Kentucky, to the General Assembly of the Commonwealth of Kentucky, which I have been directed to request of you to present to the senate.

Respectfully,

J. HARVIE, *Chm. board of Stockholders.*

The Speaker of the Senate.

TO THE GENERAL ASSEMBLY OF THE COMMONWEALTH
OF KENTUCKY.

Your memorialists, the stockholders of the Bank of Kentucky, assembled in general meeting, pursuant to the charter, beg leave to represent to your honorable body, that the depreciated state of the notes of this institution, equally prejudicial to the credit and true interest of the bank, as of the country at large, calls aloud for some remedy to lessen or remove the evil; and that, in the opinion of your memorialists, the most effectual means would be, the adoption of such measures as will enable the bank in a reasonable time to resume specie payments.

Your memorialists would respectfully represent, that the funds and present state of the institution, compared with those of specie paying banks in the United States, are such, as to authorise the conclusion, that, with the encouragement and aid of suitable legislative regulations, it would be enabled to accomplish this desirable object, without injurious or oppressive calls on the debtors of the institution.

Your memorialists must in candour admit, and your honorable body cannot but be fully sensible, that, so long as it shall be deemed necessary and expedient to continue the existing legal impediments to the prompt collection of debts, operating upon this institution in common with other creditors, the bank cannot be enabled to resume and sustain specie payments; and your memorialists desire no exclusive privilege, or exemption from the common lot, to be conferred, in this respect, upon the institution. Yet, deeply impressed with the importance of the object, they cannot refrain from expressing their sincere and earnest disposition to be prepared for such resumption, so soon as the

legislature, in its wisdom, shall deem it expedient, and be pleased to aid its accomplishment, by the adoption of suitable regulations; and although your memorialists are fully sensible, that these desirable results cannot be immediately or suddenly attained, yet they confidently hope and trust in the good disposition of the legislature, to adopt such preparatory regulations as will be conducive to its final accomplishment.

Your memorialists respectfully represent, that amongst the most effectual preparatory measures, that could now be adopted, without materially interfering with, or affecting existing regulations, would be, a law authorising the Bank of Kentucky to discharge a considerable portion of the stock held by the state in the institution, in the notes of the Bank of the Commonwealth and its branches. And they beg leave to suggest, that if in your wisdom you shall deem it expedient to authorise by law a portion of the state's stock to be thus discharged, it would be both just and politic on behalf of the state, to permit the stockholders to elect a greater portion of the directors of the institution, than is permitted by the original charter; so as to be correspondent with the relative proportions of stock.

Your memorialists further represent, that the great and ruinous reduction of the value of the stock in this institution, as well as in the rate of dividends thereon, which has taken place since the imposition of the present tax of fifty cents upon every share of such stock, has rendered that tax oppressive and unequal, in relation to that imposed on any other species of property; every other species being taxed according to its present value. Your memorialists, therefore, appeal, with confidence, to the justice of the legislature, and hope its wisdom, as well as justice, will be exercised, in reducing the tax to some reasonable correspondence with that imposed upon other species of property within the commonwealth.

Your memorialists most respectfully pray your honorable body to take into consideration this their memorial, and to adopt such measures, and pass such laws, as in your wisdom may be considered best adapted to the promotion of the views and objects therein expressed, and which shall not be deemed incompatible with the public good.

J. HARVIE, *Chm. Bd. of Stockholders.*

Attest.

ACHILLES SNEED, *Sec'y.*

Which was laid on the table.

At 30 minutes past eleven o'clock, Mr. Flournoy moved an adjournment.

And the question being taken thereon, it was resolved in the affirmative—Yeas 17, Nays 10.

The yeas and nays being required thereon by messrs. Beauchamp and Ewing, were as follows, to wit :

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Bowman, Blackburn, Carpenter, Cowan, Flournoy, Gorin, Henderson, J. L. Hickman, Lackey, Marshall, M'Afee, Morehead, White, Williams and Worthington.

Those who voted in the negative are: Messrs. Barrett, Beauchamp, Dawson, Ewing, Lyon, Miller, Mountjoy, Owens, Smith, and Ward.

Whereupon, the Speaker declared the senate adjourned.

SATURDAY, NOVEMBER 9, 1822.

The senate assembled.

Mr. Ward from the select committee to whom was referred an engrossed bill to establish and regulate the town of Louisa in the county of Lawrence, reported the same without amendment, and the bill was read again and the blanks therein filled.

Resolved, That the said bill do pass, and that the title be, an act to establish and regulate the town of Louisa in the county of Lawrence; and that Mr. Ward inform the house of representatives thereof.

The vote on the passage of a bill from the house of representatives for the benefit of Benoni S. Newland and James Lyon, was reconsidered, and the bill committed to messrs. Owens, Ewing and Marshall.

Mr. Owens reported the bill with amendments, which were concurred in.

Resolved, That the said bill as amended do pass, and that the title be, an act for the benefit of Benoni S. Newland, Jame Lyon and Thomas Rowe; and that Mr. Owens inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they had appointed committees on their part to examine the public offices, Bank of Kentucky and Penitentiary, pursuant to a joint resolution.

JOURNAL OF

The following bills were reported, to wit:

By Mr. Blackburn—a bill to authorise John and Sally Tyler to convey a lot of ground in the town of Danville, and a bill to authorise a sale of a part of the real estate of John Courts, deed.

By Mr. Carpenter—a bill to provide for the more speedy sale of articles manufactured in the Penitentiary.

Which were severally read the first time and ordered to be read a second time.

Mr. Blackburn from the select committee to whom was referred a bill from the house of representatives for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased, reported the same with an amendment, which was concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be amended to read, 'an act for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased, and the heirs of Samuel Work;' and that Mr. Ewing inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. M'Affee—1. a bill for the benefit of the heirs of James Kirkpatrick.

On the motion of Mr. Owens—2. a bill to amend the several acts regulating the trial of Caveats.

On the motion of Mr. Ewing—3. a bill to authorise the trustees of the Kentucky Seminary to contract with, and convey to Wiley Campbell, 140 acres of land.

On the motion of Mr. Blackburn—4. a bill for the benefit of the poor.

Messrs. M'Affee, J. L. Hickman and Owens, were appointed a committee to prepare and bring in the first; messrs. Owens, Henderson and Towles the second; messrs. Ewing, Marshall and Dawson the third; messrs. Blackburn, Ewing and Lackey the fourth.

The following bills were read a second time, to wit: 1. a bill for the benefit of Charles Brandon and William Davis; 2. a bill to amend the several acts concerning chimney and maintainance; 3. a bill to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line; 4. a bill to amend the act establishing a turnpike road from Georgetown to Cincinnati.

The first was ordered to be engrossed and read a third time; the second committed to a committee of the whole house on the state of the commonwealth for Wednesday

next; the third committed to messrs. Marshall, M'Afee and Carpenter; and the fourth to messrs. Marshall, Mountjoy and Carpenter.

A bill from the house of representatives for the relief of the representatives of David Johnson, deceased, was read a second time, and the rule being dispensed with, it was read a third time.

Resolved, That the said bill do pass, and that mr. Ward inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit: 1. a bill to authorise the trustees of the town of Harrodsburg to cause pavements to be made in said town; 2. a bill to amend an act concerning the duties of the Register of the land office; 3. a bill for the benefit of Angus Ross; 4. a bill for the benefit of the heirs of John Smith, deceased; and 5. a bill directing the appointment of additional constables in the counties of Shelby, Washington, Nicholas, Bullitt, Casey, Lawrence, Jefferson, Harrison and Mercer.

Were severally read the first time and ordered to be read a second time, and the rule being dispensed with, the first, second, third and fifth bills were read a second time and the first a third time.

Resolved, That the first bill do pass, and that mr. Ewing inform the house of representatives thereof.

The second was committed to Messrs. Blackburn, Marshall and Ewing; the third to Messrs. Owens, Ballinger and Mountjoy; and the fifth to Messrs. M'Afee, Ewing and Pope.

And then the senate adjourned.

MONDAY, NOVEMBER 11, 1822.

The senate assembled.

The senate received several messages from the house of representatives, announcing the passage of bills of the following titles, to wit:

An act providing for a change of venue in the case of Josiah Hulst.

An act to amend an act entitled an act to establish the town of Hartford in the county of Ohio.

An act for the relief of certain clerks of this commonwealth.

An a. for the benefit of Benjamin Lawless.

An act for the benefit of William Brand.
And an act authorising a lottery for the benefit of the Lexington Light Artillery Company.

The said bills were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the four former bills were read a second and third times.

Resolved, That the said bills do pass, and that Mr. Ewing inform the house of representatives thereof.

Mr. Ewing from the select committee appointed for that purpose, reported a bill for the benefit of Wiley Campbell.

Which was read the first time and ordered to be read a second time.

Mr. Owens from the select committee to whom was referred a bill from the house of representatives for the benefit of Angus Ross, reported the same with amendments, which were concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be, 'an act for the benefit of Angus Ross and others,' and that Mr. Owens inform the house of representatives thereof.

Mr. J. L. Hickman moved the following resolution, to wit:

Whereas, information has been received by the senate, that James Hughes, Jun. a member of this body, departed this life on the 24th ult. as a testimony of high respect due to his memory,

Resolved, That the members and officers of the senate, wear crape on their left arm during the balance of this session.

Which was unanimously adopted.

A bill from the house of representatives for the benefit of the heirs of John Smith, deceased, was read a second time and ordered to be read a third time.

The following bills were read a second time, to wit: 1. a bill to regulate proceedings in certain cases; 2. a bill to provide for the admission of deeds and powers of attorney in evidence in certain cases; 3. a bill to regulate proceedings in certain cases; 4. a bill to authorise the sale of a part of the real estate of John Courts, deceased; 5. a bill authorising John and Sally Tyler to convey a lot of ground in Danville; 6. a bill to provide for the more speedy sale of articles manufactured in the Penitentiary; and 7. a bill to regulate proceedings in chancery in certain cases; and the rule being dispensed with, and the fourth and fifth bills having been engrossed, were read a third time.

Resolved, That the said bills do pass, and that the titles be respectively, an act to authorise the sale of a part of the real estate of John Courts, deceased; and an act to authorise John and Sally Tyler to convey a lot of ground in the town of Danville; and that the clerk inform the house of representatives thereof.

The first bill was committed to Messrs. Carpenter, M^r. Afee and Marshall; the second to a committee of the whole house on the state of the commonwealth for Thursday next; the sixth was ordered to be engrossed and read a third time, and the seventh was committed to the committee for courts of justice.

Ordered, That the public printers forthwith print one hundred and fifty copies of the second bill for the use of the legislature.

Engrossed bills, to wit: A bill for the benefit of James Woods; a bill for the benefit of Marcus Huling, and a bill for the benefit of Burrell Temple, were severally read a third time.

Resolved, That the said bills do pass, and that the titles be respectively, 'an act for the benefit of James Woods; an act for the benefit of Marcus Huling and an act for the benefit of Burrell Temple and Richard Doran.'

Ordered, That the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Williams—1. a bill for the benefit of James Montgomery and John Lee.

On the motion of Mr. M^r. Afee—2. a bill to extend and prescribe the duties of the Adjutant General.

And on the motion of Mr. Lyon—3. a bill to establish an election precinct in the county of Graves, now Hickman county.

Messrs. Williams, Lackey and Ward were appointed a committee to prepare and bring in the first; Messrs. M^r. Afee, Barbee and Gorin the second, and Messrs. Lyon, Ewing and Lackey the third.

Mr. Ward presented the petition of Christopher Keizer, one of the heirs of Lucy Keizer, praying that a sale of certain slaves may be confirmed.

Which was read and referred to Messrs. Ward, Flournoy and M^r. Afee, with leave to report by bill or otherwise.

And then the senate adjourned.

TUESDAY, NOVEMBER 12, 1822.

The senate assembled.

Mr. Lyon presented the petition of sundry citizens of Caldwell county praying a division of that county.

Also, a petition of sundry citizens of said county, counter thereto.

Which were severally read and referred, with the accompanying documents to the committee of propositions and grievances.

The following bills from the house of representatives, were reported from the several select committees to whom they were referred, to wit:

By Mr. Carneal—an act providing for the removal of the seat of justice for Campbell county.

And by Mr. McAfee—an act directing the appointment of additional constables in the counties of Shelby, Washington, Nicholas, Bullitt, Casey, Lawrence, Jefferson, Harrison and Mercer, with amendments to the latter, which were concurred in and the bills read a third time.

Resolved, That the said bills do pass, the latter as amended, and that the title thereof be, 'an act allowing additional constables and justices of the peace to certain counties, and to provide for the future regulation of constables districts,' and that Mr. Carneal inform the house of representatives thereof.

The following bills were reported, to wit:

By Mr. Ward—a bill confirming the sale of certain slaves late belonging to Lucy Keizers heirs.

And by Mr. Williams—a bill for the benefit of James Montgomery and John Lee, which were read the first time and the rule being dispensed with, they were read a second time, the former ordered to be engrossed and read a third time, and the latter was committed to messrs. Lackey, Williams and Henderson.

And after some time Mr. Lackey reported the same with an amendment, which was concurred in.

The said bills having been engrossed were read a third time.

Resolved, That the said bills do pass, and that the titles be respectively, 'an act confirming the sale of certain slaves, late belonging to Lucy Keizers heirs, and an act for the benefit of James Montgomery, John Lee and James La,

cey,' and that Mr. Williams inform the house of representatives thereof.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit:

An act for the benefit of Nathan Hawkins.

An act to amend the several acts for the benefit of the heirs of Joseph Dupuy.

An act for the benefit of Thomas Conoway.

An act for the benefit of Thomas Gatton and others.

And had found the same truly enrolled.

The senate received a message from the house of representatives announcing that the Speaker had signed said bills; whereupon the Speaker signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

Bills from the house of representatives of the following titles, to wit:

An act for the benefit of the heirs of John Smith, deceased.

An act authorising a lottery for the benefit of the Lexington Light Artillery Company.

An act for the benefit of William Brand.

And an act for the benefit of George Goddard, were severally read, the first a third time and the three latter a second time.

The first was committed to the committee for courts of justice; the fourth was laid on the table until the first day of June next.

The rule being dispensed with, the second was read a third time.

Resolved, That the said bill do pass and that Mr. Ewing inform the house of representatives thereof.

The senate received several messages from the house of representatives, announcing that they had concurred in the amendments made by the senate to bills of the following titles, to wit:

An act for the benefit of Benoni S. Newland and James Lyon, and an act for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased, and that they had disagreed to the amendments made to an act for the benefit of Angus Ross; that they had passed a bill from the senate for the benefit of Hannah Hardin and David Prew.

att, sen. and they had passed bills of the following titles, to wit: 1. an act to authorise a sale of part of the Harrodsburg Seminary lands; 2. an act to alter the mode of appointing trustees to the Montgomery Academy; 3. an act authorising a lottery for the benefit of Paris Union Lodge, No. 16, and for other purposes; 4. an act establishing the Sulphur fork of Drake's Creek as the division line between the counties of Simpson and Allen; 5. an act for the benefit of the children of Samuel Marrs; 6. an act for the benefit of Samuel G. Hogan; 7. an act further to indulge the settlers on the lands acquired by the treaty of Tellico; 8. an act to protect the owners of removed certificates; 9. an act for the benefit of William T. Henderson; and 10. an act for the benefit of William Lobb.

The said bills were read the first time and ordered to be read a second time.

The rule being dispensed with, the 2, 3, 4, 5, 6 and 9th bills were read a second time, and the 2, 4, 5 and 6th bills were read a third time.

Resolved, That the second, fourth and fifth bills do pass, and that Mr. Williams inform the house of representatives thereof.

The third was committed to messrs. Lackey, Ward, Williams and M'Afee; the sixth to messrs. Owens, Ballinger and Lackey; and the ninth to the committee of propositions and grievances.

Mr. Owens from the committee to whom the sixth bill was committed, reported the same with amendments, which were concurred in and the bill ordered to be read a third time.

A bill from the house of representatives entitled 'an act giving further time to the Independent Banks to close the business of said institutions,' was committed to messrs. Canineal, M'Afee and Flournoy.

The senate received information by Mr. Anderson, that the Governor did on this day, approve and sign bills which originated in the senate of the following titles, to wit:

An act for the benefit of Nathan Hawkins.

An act for the benefit of Thomas Gatton and others.

An act for the benefit of Thomas Conoway.

An act to amend the several acts passed for the benefit of the heirs of Joseph Dupuy.

Ordered, That the clerk inform the house of representatives thereof.

Leave was given to bring in the following bills, to wit :

On the motion of Mr. Ward—1. a bill to regulate the right of suffrage in Lawrence county.

On the motion of Mr. Carneal—3. a bill to regulate ferries.

And on the motion of Mr. Miller—4. a bill directing the clerk of the Hardin county court to perform certain duties.

Messrs. Ward, Lackey and Mountjoy were appointed a committee to prepare and bring in the first; Messrs. Carneal, Towles, Flourney and M'Afee the second; and Messrs. Miller, Carpenter and Lackey the third.

Mr. Ward from the first committee reported a bill, which was read the first time, and the rule being dispensed with, it was read the second time and committed to the committee appointed to prepare and bring it in.

Mr. Ward reported the same with an amendment, which was concurred in and the bill ordered to be engrossed and read a third time.

Ordered, That Mr. R. Hickman be excused from serving on the committee of propositions and grievances and that Mr. Lyon be added to said committee.

The senate received a message from the house of representatives, announcing the passage of a bill from the senate to regulate the sale of land for taxes, with an amendment.

The said amendment was taken up and concurred in.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

Engrossed bills to wit :

A bill for the benefit of Charles Brandon and William Davis; and a bill to provide for the more speedy sale of articles manufactured in the penitentiary, were severally read a third time.

Resolved, That the former bill do pass, and that the title be, an act for the benefit of Charles Brandon and William Davis; and that Mr. Ewing inform the house of representatives thereof.

The latter bill was committed to Messrs. Flourney, Bowman, Towles, Carpenter and M'Afee.

The senate took up the bill from the house of representatives, entitled an act for the benefit of Angus Ross, with the amendment made by the senate.

Resolved, That the senate recede from their amendment and that Mr. Ewing inform the house of representatives thereof.

The following bills were read a second time, to wit: a bill for the benefit of Wiley Campbell, and a bill to extend the right of the revivor of actions: the former was ordered to be engrossed and read a third time and the latter was laid on the table.

And then the senate adjourned.

WEDNESDAY, NOVEMBER 13, 1822.

The senate assembled.

Winslow Parker, Jr. appeared and produced a certificate of his election as senator from the county of Mason, and his having taken the several oaths of office, took his seat.

Mr. Ewing from the committee of propositions and grievances, made the following reports, to wit:

The committee of propositions and grievances, have, according to order, had under consideration, a bill to them referred, entitled 'an act to amend the act establishing a gate on the turnpike road leading from Frankfort to Shelbyville,' and have come to the following resolution thereupon, to wit:

Resolved, That the said bill *ought not to pass*.

The committee of propositions and grievances, have had under consideration, a petition and sundry notices of an application to be made to the present general assembly for the formation of a new county out of parts of the counties of Warren, Grayson, Butler and Hart, and have come to the following resolution thereupon, to wit:

Resolved, That the notice said to have been given in Hart county, *is not sufficient*.

The first was concurred in and the second laid on the table until the first day of June next.

And the question being taken on reading the bill a third time it was resolved in the negative and so the said bill was rejected.

Ordered, That Mr. Ewing inform the house of representatives thereof.

Mr. Smith from the committee of religion, made the following report, to wit:

The committee of religion, have, according to order, had under consideration, the petition of Peyton Chapman, praying a divorce from his wife Nancy Chapman, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition *be rejected*.

Which was twice read and concurred in.

Mr. Barbee from the joint committee of enrolments reported that they had examined sundry enrolled bills of the following titles, to wit:

An act to attach the county of Owen to the fourth and the county of Muhlenburg to the sixth bank district of the Commonwealth of Kentucky.

An act for the benefit of Benjamin Lawless.

An act for the relief of the representatives of David Johnson, deceased.

An act to authorise the trustees of the town of Harrodsburg to cause pavements to be made in said town.

An act for the benefit of Benoni S. Newland, James Lyon and Thomas Rowe.

An act regulating the county court of Fayette.

An act for the benefit of George Adams.

An act to incorporate the Springfield Circulating Library Company.

An act for the benefit of the widow and heirs of Archibald Mitchell, deceased.

An act for the benefit of the heirs of James Kirkham.

And had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said bills.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee from said committee reported that they had performed that duty.

Mr. Owens from the committee for courts of justice, reported a bill for the benefit of William B. Long.

Which was read the first time and ordered to be read a second time.

On the motion of Mr. Bowman, leave was given to bring in a bill for the benefit of the sheriff of Wayne county, and messrs. Bowman, Owens and Barbee were appointed a committee to prepare and bring it in.

The senate received a message from the house of representatives, announcing the passage of a bill for the relief of Roger Devine.

Mr. Flournoy from the select committee to whom was referred a bill from the house of representatives giving further time to the Independent Banks to close their business, reported the same with amendments, which were concurred in and the bill read a third time.

Resolved. That the said bill as amended do pass, and that the title be, 'an act to provide for closing the concerns of the Independent Banks,' and that Mr. Ewing inform the house of representatives thereof.

And then the senate adjourned.

THURSDAY, NOVEMBER 14, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit:

An act for the benefit of the children of Samuel Marrs.

An act authorising a lottery for the benefit of the Lexington Light Artillery Company.

An act to amend an act entitled an act to establish the town of Hartford in the county of Ohio.

An act for the benefit of Angus Ross.

An act establishing the Sulphur fork of Drake's Creek as the dividing line between the counties of Simpson and Allen.

An act for the relief of certain Clerks of this commonwealth.

An act to alter the mode of appointing Trustees to the Montgomery Academy.

An act for the benefit of Samuel Cheatham, an infant devisee of Daniel Wilson, deceased, and the heirs of Samuel Work.

And had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said bills.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

The following bills were reported, to wit:

By Mr. Bowman—1. a bill for the relief of the Sheriff of Wayne county.

By Mr. Lyon—2. a bill to establish an election precinct in the county of Graves, now Hickman.

By Mr. Miller—3. a bill directing the clerk of the Hardin county court to perform certain duties.

By Mr. M'Affee—4. a bill prescribing the duties of the Adjutant General.

And By Mr. Blackburn—5. a bill for the relief of the poor.

Which were severally read the first time and ordered to be read a second time.

The rule being dispensed with and the first bill having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be, an act for the relief of Walter Emmerson, Sheriff of Wayne county.

Ordered, That Mr. Bowman inform the house of representatives thereof.

The senate received from the Governor by Mr. Anderson a message in writing, recommending the passage of a law to make compensation to persons employed to apprehend fugitives from justice.

Which was read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives,

By the act of Congress approved February 12, 1793. the executive authority of the several states, may respectively demand from each other, fugitives from the justice of the state making the demand, who may have taken refuge in the state on which the requisition is made; but there is no law of this commonwealth, providing for the payment of the agents employed in bringing back such fugitive. In consequence of this omission, considerable inconvenience has already occurred, and it is believed that by a connivance between the culprit and his bail, justice has, in some instances, been wholly evaded. I submit it to the consideration of the legislature, whether it would not be more conducive to public convenience, and the due execution of the laws, to provide by some general enactment for such occasions, than leave each particular case, as at present, to be met by an act of special legislation.

The enclosed papers establish the claim of Aaron Johnson, to compensation for arresting and delivering to the proper officer in the state of Ohio, Jacob Funk, a fugitive from the laws of this state.

JOHN ADAIR.

November 13th, 1822.

Which was laid on the table.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Gorin in the chair; and after some time spent therein Mr. Speaker resumed the chair, and Mr. Gorin reported, that the committee had, according to order, had under consideration, a bill to provide for the admission of deeds and powers of attorney in evidence in certain cases, and had gone through the same with an amendment, which he handed in at the clerk's table.

The bill was then committed to messrs. Flournoy, Towles, Carpenter, Blackburn and M'Affee.

Mr. Lackey from the select committee to whom was referred a bill from the house of representatives authorising a lottery for the benefit of Paris Union Lodge No. 16, and for other purposes, reported the same with amendments, which were concurred in and the bill committed to messrs. Pope, Carpenter and Lackey.

Bills from the house of representatives of the following titles, to wit: 1. an act for the benefit of William Brand; 2. an act for the benefit of William Lobb; 3. an act to authorise a sale of part of the Harrodsburg Seminary lands; 4. an act further to indulge the settlers on the lands acquired by the treaty of Tellico; 5. an act to protect the owners of removed certificates; and 6. an act for the relief of Roger Devine.

Were severally read; the first a third, the second, third, fourth and fifth a second time, and the sixth the first time.

The rule being dispensed with, the fourth was read a third time, and the sixth a second and third time.

Resolved, That the first, fourth and sixth bills do pass, and that Mr. Ewing inform the house of representatives thereof.

Engrossed bills, to wit: a bill to regulate the right of suffrage in the county of Lawrence; and a bill authorising the trustees of the Franklin Seminary, to sell and convey to Wiley Campbell, 140 acres of land.

Resolved, That the said bills do pass, and that the titles be respectively, an act to regulate the right of suffrage in the county of Lawrence; and an act authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell, 140 acres of land, and that Mr. Ewing inform the house of representatives thereof.

A bill for the benefit of William B. Long was read a second time and the bill having been engrossed and the rule being dispensed with, it was read a third time.

Resolved, That the said bill do pass, and that the title be, an act for the benefit of William B. Long, and that Mr. Ewing inform the house of representatives thereof.

On the motion of Mr. Ward, leave was given to bring in a bill requiring the auditor of public accounts to transcribe certain books and papers in his office; and Messrs. Ward, Towles and Williams were appointed a committee to prepare and bring it in.

The senate received a message from the house of representatives, announcing that they had adopted resolutions providing for the appointment of a board of commissioners under the 8th article of the compact with Virginia and ratifying the convention of the commissioners appointed to make the necessary arrangements for constituting said board.

The said resolutions were taken up, read and concurred in as follows, to wit:

The joint committee to whom were referred the letter from Henry Clay, the commissioner appointed on the part of this state at the last session of the legislature, to make the necessary arrangements and stipulations with the commissioner from the state of Virginia, for constituting a board of commissioners, under the eighth article of the compact with said state, and the convention and stipulations entered into and agreed upon by the aforesaid Virginia and Kentucky commissioners, have duly considered the subject referred, and recommend the ratification of the articles of convention: Wherefore, they report the following resolutions.

Resolved by the General Assembly of the Commonwealth of Kentucky, That the articles of convention settled and agreed upon by Henry Clay and Benjamin Watkins Leigh, Esq's. commissioners; the former on the part of Kentucky, and the latter on the part of Virginia, bearing date the fifth day of June one thousand eight hundred and twenty-two, be, and the same are hereby approved and ratified.

Resolved, That the senate and house of representatives, will, on Tuesday the 19th inst. by joint vote, elect two commissioners on the part of Kentucky, in pursuance of the convention made by the said Kentucky and Virginia commissioners.

Resolved, That the senate and house of representatives, will, on Tuesday the 19th instant, by joint vote, elect two fit persons as counsel, to represent the state of Kentucky before the board of commissioners to be organized agreeably to the said convention.

Resolved, That the governor of this state be requested to communicate as soon as convenient after the 19th instant, the foregoing resolutions, to the executive of the state of Virginia, together with the names of the commissioners elected on the part of this state, to be laid before the legislature of Virginia.

Ordered, That Mr. M'Affee inform the house of representatives thereof.

And then the senate adjourned.

FRIDAY, NOVEMBER 15, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments, reported that they had examined two enrolled bills of the following titles, to wit:

An act providing for the removal of the seat of justice for Campbell county, and an act providing for a change of venue in the case of Josiah Haults.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills:

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

The Speaker laid before the senate a memorial of the heirs of Richard M. Gano, praying that a law may be passed authorising a conveyance to be made by them to Bakewell, Page and Bakewell, one fourth part of the town of Covington, and to authorise the heirs to make sale of a further interest they have in said town.

Which was read and referred to messrs. Carneal, Ewing and Marshall, with leave to report by bill or otherwise.

The Speaker laid before the senate the following communications, to wit:

BANK OF KENTUCKY, NOVEMBER 13th, 1822.

DEAR SIR,

The stockholders of this institution, at their recent meeting, adopted the enclosed resolution. Understanding that the contingency upon which it was predicated has partially occurred, by the presentation to the house of representatives on the part of some of the withdrawing stockholders, of a petition for the passage of a law prescribing some equitable mode for adjusting and paying over their interest in the concern, I have deemed it my duty as the organ of that meeting, to communicate the aforesaid resolution to the honorable body over which you preside, as an evidence of the entire assent and concurrence of the retaining stockholders, in the objects and purposes of a petition of that character.

I am with great respect, yours, &c.

J. HARVIE, *Chm. Bd. Stockholders.*

The Speaker of the Senate.

At a meeting of the Stockholders of the Bank of Kentucky, held at their banking house in the town of Frankfort, on Tuesday the 5th day of November 1822, in pursuance of a notice for that purpose, published in the Argus of Western America, at the request of certain persons holding one hundred shares and upwards.

Resolved, That whensoever the withdrawing stockholders shall petition the legislature to pass a law prescribing some equitable mode by which they can obtain a settlement of their accounts with this institution, we will concur with them in such petition.

The above is a correct extract from the proceedings of the stockholders of the Bank of Kentucky.

November 13th, 1822.

Which were read and referred to messrs. Marshall, Ewing and Carneal.

Mr. Blackburn from the select committee to whom was referred a bill from the house of representatives entitled an act to protect the owners of removed certificates, reported the same without amendment, and the bill was read a third time.

Resolved, That the said bill do pass and that Mr. Ewing inform the house of representatives thereof.

Mr. Blackburn from the committee for courts of justice, to whom was referred a bill to amend the law concerning

chancery proceedings, reported the same without amendment.

Several amendments were offered, and the whole recommitting to messrs. Pope, M'Afee, Carpenter and Blackburn.

The following bills were reported, to wit:

By Mr. Ward—a bill to change the time for the annual meeting of the legislature; and a bill requiring the auditor of public accounts to transcribe certain books and papers in his office.

Which were read the first time and ordered to be read a second time.

The rule being dispensed with, the first bill was read a second time and ordered to be engrossed and read a third time.

The senate received from the Governor by Mr. Anderson, a message in writing containing certain nominations.

The senate received a message from the house of representatives, announcing that they had passed a bill from the senate entitled an act for the benefit of Burrell Temple and Richard Doran, with amendments.

The said amendments were taken up and concurred in, with an amendment.

Ordered, That Mr. Owens inform the house of representatives thereof.

The following bills were read a second time to wit:

A bill for the relief of the poor; a bill prescribing the duties of the Adjutant General; a bill to establish an election precinct in the county of Graves, now Hickman; and a bill directing the clerk of the Hardin county court to perform certain duties.

The first was committed to messrs. Faulkner, Ewing, Carpenter, M'Afee and Blackburn; the second laid on the table.

The third and fourth bills having been engrossed and the rule being dispensed with, were read a third time.

Resolved, That the said bills do pass, and that the titles be respectively, an act to establish an election precinct in the counties of Graves and Hickman; and an act directing the clerk of the Hardin county court to perform certain duties.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they had concurred in an a-

amendment made by the senate upon concurring in the amendments by them, to a bill for the benefit of Burrell Temple and Richard Doran; that they had passed a bill to legalize the marriage between Joshua Whitehead and Betsey Brock of Harlan county; and that they had adopted a resolution requesting the President and Directors of the Bank of the Commonwealth of Kentucky, and the President and Directors on the part of the state of the Bank of Kentucky, to furnish a statement of the debts due by each to said institutions.

The bill was read the first time, and the rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass, and that Mr. Ewing inform the house of representatives thereof.

And then the senate adjourned.

SATURDAY, NOVEMBER 16, 1822.

The senate assembled.

The Lieutenant Governor being absent, Mr. Ewing was appointed Speaker for the occasion.

Mr. Towles moved the following in lieu of the sixth rule, to wit:

All questions except those on the passage of a bill or a resolution, shall be distinctly put in this form; 'all you who are of this opinion, (as the question may be,) say aye; you of a contrary opinion say no.' But the vote on the passage of bills and resolutions shall only be taken by a division, or by the ayes and noes.

Which being twice read and the question being taken on concurring therein, it was resolved in the negative; and so the said proposition was rejected.

On the motion of Mr. Henderson, leave was given to bring in a bill to regulate the duties of attorneys for the county courts; and messrs. Henderson, Ward, Carpenter, Owens and Blackburn, were appointed a committee to prepare and bring it in.

The senate received several messages from the house of representatives, announcing that they had passed bills of the following titles, to wit:

1. an act for the benefit of Aaron Johnson of the state of Ohio; 2. an act authorising the insertion of certain advertisements in the Western Watchman, the Christian Repository and Kentucky Literary Register, and the Baptist

Monitor and Political Compiler; 3. an act for the benefit of the heirs of James Noland, deceased; and 4. an act for the relief of Thomas P. Metcalfe, and a resolution directing payments of calls to be made on discounts to the directors of the Bank of the Commonwealth and branches.

Which bills were severally read the first time, and the rule being dispensed with, they were read a second time, and the first and second read a third time.

Resolved, That the first and second bills do pass, and that the title of the second be amended to read, "an act to authorize the insertion of advertisements in certain newspapers."

Ordered, That Mr. Ewing inform the house of representatives thereof.

The third was committed to messrs. Marshall, Carneal and Faulkner; and the fourth laid on the table.

The senate received a message from the house of representatives, announcing that they had concurred in the amendments made by the senate, to a bill from the house of representatives, entitled an act directing the appointment of additional constables in the counties of Shelby, Washington, Nicholas, Bullitt, Casey, Lawrence, Jefferson, Harrison and Mercer, with an amendment; and that they had passed a bill from the senate, further to regulate the General Court.

The said amendment was concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

A resolution from the house of representatives requesting the President and directors of the Bank of the Commonwealth of Kentucky, and the President and directors on the part of the state of the Bank of Kentucky, to furnish a statement of the debts due by each of them to said institutions, was read and laid on the table until the first day of June next.

On the motion of Mr. Ward, leave was given him to report a bill to amend the militia law; which was read the first time, and the rule being dispensed with, it was read a second time and committed to messrs. Faulkner, Ward and Davidson.

Mr. Marshall from the select committee to whom was referred a bill to repeal in part the act subjecting land to the payment of debts, reported the same with an amendment, which was laid on the table.

A bill requiring the Auditor of Public Accounts to transcribe certain books and papers in his office was read a second time and ordered to be engrossed and read a third time.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit:

An act for the benefit of the heirs of Richard M. and John S. Gano.

An act for the benefit of Hannah Hardin and David Prewitt, Sen.

An act for the benefit of William Brand.

An act further to indulge the settlers on the lands acquired by the treaty of Tellico.

An act for the benefit of Aaron Johnson of the state of Ohio.

An act to legalize the marriage between Joshua Whitehead and Betsy Brock of Harlan County.

An act for the relief of Roger Devine.

An act to protect the owners of removed certificates.

An act to regulate the sale of land for taxes.

Resolution providing for a board of commissioners under the 8th article of the compact with Virginia and ratifying the convention of the commissioners appointed to make the necessary arrangements for constituting said board.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills:

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

The following bills were reported from the select committees to whom they were referred, to wit:

By Mr. Towles—a bill to provide for the more speedy sale of articles manufactured in the Penitentiary.

By Mr. Carpenter—a bill to regulate civil proceedings.

By Mr. Marshall—a bill to amend an act establishing a turnpike road leading from Georgetown to Cincinnati, each with amendments.

Those to the first and third were concurred in and the bills ordered to be engrossed and read a third time; the second was laid on the table.

Ordered, That the public printers forthwith print one hundred and fifty copies of the first and second bills and amendments for the use of the legislature.

The third bill having been engrossed was read a third time.

Resolved, That the said bill do pass, and that the title be, an act to amend the act entitled an act establishing a turnpike road from Georgetown to Cincinnati; and that Mr. Mountjoy inform the house of representatives thereof.

The senate took up the nominations made on yesterday, which were read as follows, to wit:

Gentlemen of the Senate,

Since the last session of the General Assembly of this commonwealth sundry vacancies have taken place in the civil department which have been filled by appointments to expire at the close of the present session.

I therefore nominate for your advice and consent the following gentlemen to be commissioned during good behaviour.

James I. Miles, agent of the Kentucky Penitentiary in the place of John B. Wooldridge, deceased.

Jesse Bledsoe, a Circuit Judge in and for the Commonwealth of Kentucky, to preside in the third Judicial District, in the place of George Robertson, refused to accept.

John H. M'Henry, Commonwealth's Attorney in and for the fourteenth Judicial District in the place of Philip Thompson, resigned.

William Burke, Notary Public in and for the county of Nelson, in the place of John Hackley, deceased.

JOHN ADAIR.

November 15th, 1822.

Resolved, That the senate advise and consent to the three latter appointments, and that messrs. Faulkner and Lyon inform the Governor thereof.

The former nomination was laid on the table.

And then the senate adjourned.

MONDAY, NOVEMBER 18, 1822.

The senate assembled.

The Lieutenant Governor appeared and resumed his duties.

John H. Rudd appeared and produced a certificate of his election as senator from the counties of Nicholas and Bracken, to fill the vacancy occasioned by the death of James Hughes, Jr. and of his having taken the several oaths of office and took his seat.

Mr. Lyon presented the petition of sundry citizens of Caldwell county, praying a division of said county; which was read and referred to the committee of propositions and grievances.

The following bills were reported from the select committees to whom they were referred, to wit:

By Mr. Marshall—1. a bill from the house of representatives, entitled an act for the benefit of the heirs of James Noland, deceased. Also, 2. a bill to provide for the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line.

By Mr. Ward—3. a bill to amend the Militia Law.

And by Mr. Pope—4. a bill to amend the law concerning chancery proceedings; severally with amendments, which were concurred in.

The three latter were ordered to be engrossed and read a third time.

The third bill having been engrossed, was read a third time, and the first was also read a third time as amended.

Resolved, That the said bills do pass, and that the titles be respectively, 'an act for the benefit of the heir of James Noland, deceased, and the heirs of Alexander J. Mitchell, and an act to amend the Militia Law,' and that Mr. Ward inform the house of representatives thereof.

The following bills were reported, to wit:

By Mr. Carpenter—1. a bill to amend an act entitled an act for the benefit of the Seminary of Harlan county.

By Mr. Carneal—2. a bill for the benefit of the heirs of Richard M. Gano.

By Mr. Henderson—3. a bill to regulate the duties of the attorneys for the commonwealth, appointed by the county courts.

By MR. Ewing—4. a bill to revive and continue in force an act providing for the appointment of commonwealth's attorneys.

By MR. OWENS—5. a bill to amend the several acts regulating the trial of Caveats.

Which were severally read the first time and ordered to be read a second time.

And the rule being dispensed with, the four former were read a second time, and the first, second and third ordered to be engrossed and read a third time.

The rule having been dispensed with, and the said bills being engrossed, were read a third time.

Resolved, That the said bills do pass, and that the titles be, 'an act to amend an act entitled an act for the benefit of the Seminary of Harlan county; and an act for the benefit of the heirs of Richard M. Gano; and that Mr. Ward inform the house of representatives thereof.

The fourth bill was committed to messrs. Marshall, Ewing and Pope.

Engrossed bills, to wit:

A bill to change the time for the annual meeting of the legislature; and a bill requiring the auditor of public accounts to transcribe certain books and papers in his office, were read a third time and the blanks in the former filled.

Mr. Gorin moved to lay the former bill on the table until the first day of June next, and the question being taken thereon, it was resolved in the negative—Yeas 10, Nays 20.

The yeas and nays being required thereon by Messrs. Gorin and Ballinger, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barber, Dawson, Gorin, Lyon, Miller, Mountjoy, Morehead, Parker, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barrett, Bowman, Blackburn, Carpenter, Davidson, Ewing, Faulkner, Henderson, J. L. Hickman, Howard, Lackey, Marshall, Owens, Pope, Rudd, Towles, Ward and Williams.

The question was then taken on the passage of said bill, and it was resolved in the affirmative—Yeas 18, Nays 16.

The yeas and nays being required thereon by Messrs. Beauchamp and Carneal, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Henderson, J. L. Hickman,

Lackey, Marshall, Owens, Rudd, Ward, White and Williams.

Those who voted in the negative are: Messrs. Anderson, Barbee, Beauchamp, Bowman, Dawson, Gorin, Howard, Lyon, Miller, Mountjoy, Morehead, Parker, Pope, Smith, Towles and Worthington.

Resolved, That the said bill do pass, and that the title be, 'an act to change the time for the annual meeting of the legislature,' and that Mr. Ward inform the house of representatives thereof.

The latter bill was committed to Messrs. Beauchamp, Faulkner and Bowman.

Mr. Towles moved the following resolution, to wit:

Resolved, That the auditor of public accounts be, and he is hereby required to report to this house the supposed amount of the bad debts due the penitentiary, and as correctly as he can ascertain the same, the actual value of said institution; and that the agent of the penitentiary immediately report to this house, as accurate an estimate as can be made of the value of the manufactured articles of said institution now unsold.

Which was adopted.

The senate received information by Mr. Anderson, that the Governor did on the 16th inst. approve and sign sundry enrolled bills which originated in the senate of the following titles, to wit:

An act to regulate the sale of land for taxes.

An act for the benefit of Hannah Hardin and David Prewitt, sen. and an act for the benefit of the heirs of Richard M. and John S. Gano.

Ordered, That Mr. Ward inform the house of representatives thereof.

The senate received from the Governor by Mr. Anderson, a message in writing, and the rule being dispensed with, it was taken up and read as follows, to wit:

Gentlemen of the Senate,

John Williams, sheriff of Simpson county, having on the 12th instant resigned his office, I therefore nominate for your advice and consent, Thomas L. Stratton, sheriff of Simpson county, for and during the balance of the term for which said John Williams was commissioned.

JOHN ADAIR.

November 18th, 1822.

Resolved, That the senate advise and consent to said appointment.

Ordered, That Messrs. Morehead and Barbee inform the governor thereof.

The senate received several messages from the house of representatives, announcing the passage of the following bills from the senate, to wit:

An act for the benefit of the children of Henderson Linney.

An act to amend an act authorising the location of certain Seminary lands and for other purposes.

And an act to authorise the sale of a part of the real estate of John Courts, deceased, with amendments to the latter.

Also, the passage of the following bills by that house, to wit:

An act for the benefit of jailers and constables.

An act for the benefit of Augustus Haydon.

An act to establish the county of Calloway.

And an act for the divorce of Rebecca Walker.

And then the senate adjourned.

TUESDAY, NOVEMBER 19, 1822.

The senate assembled.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration, the petition of sundry citizens of the town of Henderson, praying that a law may be passed, authorising the trustees of said town to levy and collect as a tax, five hundred dollars in lieu of the sum now allowed by law; and have come to the following resolution thereupon.

Resolved, That the said petition is reasonable.

Which was twice read and concurred in.

Ordered, That said committee prepare and bring in a bill pursuant thereto.

The Speaker laid before the senate the following communications from the agent of the Penitentiary, to wit:

Frankfort, November 18th, 1822.

THE HON. SPEAKER OF THE SENATE,

IN obedience to a resolution of the honorable body over which you preside, (of yesterday,) I herewith transmit an estimate as near as can be made, of the value of the manufactured articles of the penitentiary institution, now on hand.

It was found somewhat difficult to make an exact estimate in so short a time as the resolution seemed to require; but it is believed it will be found nearly correct; assuming the prices fixed by the keeper, to be the value of the articles.

But in relation to the deduction made for depreciation in value, no great accuracy can be pretended. A considerable amount of the articles alluded to in that item, are altogether out of demand, and many of them considerably damaged. But it is expected that the sum assumed will be found sufficient to cover the diminution from those causes.

The goods having been priced with a view to the law requiring a discount of fifteen per cent to be made in cash sales, that deduction is made on the whole amount. Should the law requiring such a discount be repealed, a change in the price of the articles will be necessary, which will so nearly equal the amount of the discounts, that the difference may be allowed for hazard in credit sales, over estimates, losses in retailing, &c. All which is respectfully submitted.

JAMES I. MILES, *Agent.*

PENITENTIARY, AGENT'S OFFICE, }
November 18th, 1822.

An estimate of the manufactured articles on hand at the Penitentiary institution, November 18th, 1822.

Amount of manufactures on hand the first day of October, 1822, 21,232 22

Do. Do. received from keeper from 1st October to 18th November, 3,002 49

\$ 24,224 71

Deduct, for this amount, sold on credit during the month of October, 1,121 47

23,103 24

Deduct, for this amount, sold on credit this month up to the 18th,	1,500 20
	<hr/> 21,803 04
Deduct, for this amount, sold for cash from the 1st of October to the 18th of November,	2,387 12
	<hr/>
Amount of manufactures on hand this day according to the value fixed by the keeper, at the delivery of the goods to the agent,	19,415 92
Deduct, for discounts of 15 per cent required for cash sales,	2,912 38
	<hr/> 16,503 54
Deduct, for damage sustained in cumbrous articles remaining in the yard for want of store room, depreciated in value in consequence of change of market, fashion, &c.	503 54
	<hr/>
Estimate, total cash value of all the goods now on hand,	16,000 00
	JAMES I. MILES.

Which were laid on the table.

The senate received a message from the house of representatives, announcing that they were ready to proceed to the election of two commissioners under the compact between Virginia and Kentucky, and two counsel on the part of Kentucky to attend said board, agreeably to resolutions adopted during the present session; and that Messrs. Hugh L. White of Tennessee, and Jacob Burnet of Ohio, were in nomination as commissioners; and Messrs. Henry Clay, John Rowan and Martin D. Hardin, in nomination as counsel.

Ordered, That Mr. Ewing inform the house of representatives that the senate are ready to proceed in said election, and that the same gentlemen stand on nomination before the senate.

The senate then proceeded in the election, when Messrs. White and Burnet received a unanimous vote as commissioners.

And for counsel the vote stood thus: For Mr. Clay 36, Mr. Rowan 19, and Mr. Hardin 16.

Messrs. Ewing and Blackburn were appointed a committee on the part of the senate, to meet a committee from

the house of representatives to compare the vote and report the result.

The committee retired and after some time returned and Mr. Ewing reported that the joint vote stood thus :

For Messrs. White and Burnet an unanimous vote as commissioners ; and for Mr. Clay 113, Mr. Rowan 81, and Mr. Hardin 49.

Whereupon, messrs. White and Burnet were declared unanimously elected commissioners and that Messrs. Clay and Rowan were duly elected as counsel.

The following bills from the house of representatives were reported from the select committees to whom they were referred, to wit :

By Mr. Pope—a bill authorising a lottery for the benefit of Paris Union Lodge No. 16, and for other purposes.

And by Mr. Beauchamp—a bill to real in part an act authorising Rudolph Neat to build a mill dam on Green River ; with amendments to the former which were concurred in, and the latter amended at the clerk's table, and the bills read a third time.

Resolved, That the said bills as amended do pass, and that Mr. Lackey inform the house of representatives thereof.

The following bills were reported, to wit :

By Mr. Howard—1. a bill to alter the mode of taking in lists of taxable property.

By Mr. Barbee—2. a bill to endow an assylum for the deaf and dumb.

And by Mr. Beauchamp—3. a bill to repeal an act concerning Chapline's Fork of Salt River, approved February 10, 1820.

Which were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the third bill was read a second time and ordered to be engrossed and read a third time.

The senate received a message from the house of representatives, announcing that they had adopted a resolution referring to joint committees the reports of the Bank of the Commonwealth and branches.

The Speaker laid before the senate the following communication from the auditor of public accounts, to wit :

AUDITOR'S OFFICE, Nov. 19th, 1822.

SIR,

In compliance with a resolution of the senate of the 18th instant, I proceed to give you all the information I am in possession of in relation to the bad debts due the Penitentiary, and the actual value of said institution.

From the Agent's yearly report ending on the first day of October 1822, I find debts due from persons who are considered as broke and insolvent to the amount of \$ 5,000 00 Ditto from persons whose situations are consid-

ered as doubtful, 1,450 24

Ditto from accounts in dispute, 60 54

Ditto from accounts twice charged, 326 61

I find an account standing charged to the Agent's Office, for sundry articles furnished the same, 1,043 96

An account is standing against the Keeper of the Penitentiary for sundries furnished him for the use of the institution, 5,710 64

Also, an account against the commonwealth of Kentucky, 1,594 39—8,343 99

Making a total amount of debts (which is supposed,) never will be collected, \$ 15,486 38

It will be seen by a reference to my report of the situation of the Penitentiary, for the year ending the first of October 1822, that the effects in the hands of the agent &c. were \$ 61,369 50

And that the amount of credits as are there enumerated are, 31,344 37

To which add the above amount of insolvent debts &c. amounting to 15,486 38

And also the amount of articles on hand (as the agent states) that are unsaleable, together with some articles priced too high, which will probably amount to 500 00—47,330 75

Leaving what may be supposed to be the actual value of the institution on the first day of October 1822, \$ 14,038 75

All which are respectfully submitted to the honorable body over which you preside.

Respectfully yours,

PORTER CLAY, *Aud. Pub. Ac'ts.*

WILLIAM T. BARRY, Esq.

Lieut. Governor and Speaker of the Senate.

Which was laid on the table.

Mr. Blackburn from the select committee to whom was referred a bill to reduce the paper currency of this state, reported the same with an amendment, which was laid on the table.

Ordered, That the public printers forthwith print 150 copies of the amendment for the use of the legislature.

And then the senate adjourned.

WEDNESDAY, NOVEMBER 20, 1892.

The senate assembled.

Mr. Lyon presented the petition of sundry citizens of Trigg and Caldwell counties praying the formation of a new county out of parts of each of said counties.

Mr. Beauchamp presented the petition of sundry citizens of Washington county, praying an appropriation for the benefit of a school on the west side of Hardin's Creek in said county.

Mr. Bowman presented the petition of the heirs of Francis Emmerson, deceased, praying that a law may be passed to perfect the title to certain property which they have sold by virtue of an act of the legislature.

Also, the petition of sundry citizens of Cumberland and Monroe counties, praying that a law may be passed authorising the line between said counties to be run and marked.

Which were severally read and referred, the first and second to the committee of propositions and grievances; the third to Messrs. Bowman, Owens and Pope; and the fourth to Messrs. Bowman, Cowan and Pope, with leave to report by bill or otherwise.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit:

An act to repeal in part an act authorising Rudolph Neat to build a mill dam on Green River.

An act to authorise the insertion of advertisements in certain newspapers.

An act allowing additional constables and justices of the peace to certain counties and to provide for the future regulation of constable's districts.

And had found the same truly enrolled.

The senate received a message announcing that the Speaker of the house of representatives had signed said bills.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee from said committee reported that they had performed that duty.

The senate received several messages from the house of representatives, announcing that they had concurred in the amendment made by the senate to a bill entitled an act authorising the insertion of certain advertisements in the Western Watchman, the Christian Repertory and Kentucky Literary Register, and the Baptist Monitor and Political Compiler; and adopted resolutions requesting the governor to notify the commissioners appointed under the compact with Virginia of their appointment, and making provision for any vacancy that may happen in said commission; and bills of the following titles, to wit:

An act further to regulate the court of appeals.

An act for the benefit of Andrew Turner and others.

Mr. Owens from the select committee to whom was referred an engrossed bill to amend the several acts regulating limitations of actions, reported the same with amendments, and the whole was recommitted to messrs. Lackey, Ward, M'Affee and Carpenter.

Ordered, That Mr. Howard be added to the committee appointed to prepare and bring in a bill to amend the penal laws.

A bill from the house of representatives entitled an act further to regulate the court of appeals was read the first time as follows, to wit:

WHEREAS, experience hath shewn that the present mode of holding the Court of Appeals at only one place in the state, is expensive, inconvenient, and oppressive to many of the people, and frequently amounts to a denial of justice: For remedy of which,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the Judges of the Court of Ap.

peals, instead of semi-annual sessions in the town of Frankfort, shall hereafter hold the sessions of that court at three different places in this state, which places shall be styled as follows, viz. The place which shall be between the Kentucky and Green Rivers, shall be styled the first appellate judicial site; the place which shall be on the north side of the Kentucky River, shall be called the second appellate judicial site; and that place which shall be on the south side of Green River, shall be called the third appellate judicial site.

§ 2. *Be it further enacted*, That said sites shall be designated and fixed on by the Judges of the Circuit Courts of this state, whose duty it shall be, within sixty days after the passage of this act, to meet at the town of Harrodsburg and agree on and fix the same, and having done so, they shall forthwith certify to the clerk of the court of appeals, the conclusion which they shall come to on the subject.

§ 3. *Be it further enacted*, That should any of the judges aforesaid, fail to attend, a majority of them shall be sufficient to agree and fix on the sites aforesaid; and in fixing them, they shall consult as much as possible, the convenience and good of the people in every part of the state; and they shall receive for their services in fixing said sites, the said Judges shall be paid out of the public treasury, the sum of two dollars fifty cents for each day they may necessarily be employed in going to, staying at, and returning from said town of Harrodsburg to their respective homes, and which the Auditor shall allow, on the certificate of each Judge being presented, stating the number of days he served as aforesaid.

§ 4. *Be it further enacted*, That it shall be the duty of the clerk of the court of appeals, within fifteen days after he shall receive the certificate of the said circuit judges, shewing the places fixed on for sites of the Court of Appeals as aforesaid, to notify the Judges of the Court of Appeals thereof.

§ 5. *Be it further enacted*, That the Judges of the Court of Appeals, shall hold their terms at said sites as follows, viz. Beginning at the first appellate judicial site, on the first Monday in April next, and on the first Monday in April in every year thereafter; and may continue in session for ten weeks, if the business before them should require it. At the second appellate judicial site, on the first Monday in August next, and on the first Monday in August

in every year thereafter ; and may continue in session ten weeks, if the business before them, shall so long require it. At the third judicial site, on the third Monday in October next, and on the third Monday in October in every year thereafter ; and may sit six weeks, if the business before them, shall so long require it.

§ 6. *Be it further enacted*, That the causes remaining in the office of the clerk of the court of appeals, undetermined at the passage of this act, shall, by the clerk of said court, be forthwith distributed among the several appellate judicial sites, as soon as they are fixed as directed by this act, according to the following rule, viz. The causes sent to each of the aforesaid sites, shall be those which originated in counties, the court houses of which are as near, or nearer to that site than either of the other sites ; and he shall send with each cause, upon which any proceeding may have been had by the court, a correct transcript of the record of such proceedings ; and for the distribution and transmission of the records and causes aforesaid, the clerk shall be entitled to a reasonable compensation, to be ascertained and certified by the Judges of the Court of Appeals and paid by the treasurer.

§ 7. *Be it further enacted*, That the clerk of the court of appeals, shall keep an office at each of the aforesaid appellate judicial sites, in one of which he shall officiate in person ; and he shall appoint at least one qualified person as his deputy at each of the other sites ; and he shall take care that the clerical duties, at each of the aforesaid sites, shall be faithfully, skillfully and dispatchfully done. And the records and papers which may belong and appertain to each of the aforesaid sites, shall be carefully preserved and skillfully arranged in the office connected therewith.

§ 8. *Be it further enacted*, That the Judges of the Court of Appeals, shall hold their sessions in the court houses of the counties in which the appellate judicial sites shall be established by the circuit judges, as in this bill directed, or in other houses within the county or counties in which said judicial sites may be established, if they shall think it more convenient, until otherwise provided for by law ; and the sheriffs of the said counties, shall, by themselves or deputies, attend the said courts, for which they shall be allowed a reasonable compensation by the Judges, to be certified and paid out of the public treasury.

§ 9. *Be it further enacted*, That when an appeal is prayed and granted, it shall be taken to that session of the Court

of Appeals which is to be holden at the appellate judicial site, nearest the court from which the appeal is prayed; and where there are two or more sites equidistant, the appellant shall elect between them, and his election shall be entered of record, and the cause shall be sent to the site thus elected: and where any doubt or dispute may exist between the parties in the court below, as to the nearest of two or more appellate judicial sites, or as to their equidistance, that court shall decide irreversably as to proximity or distance, and grant the appeal accordingly.

§ 10. *Be it further enacted*, That writs of error, with or without supersedeas, shall be sued out from, and made returnable to the office of that appellate judicial site which is nearest the court house in which the judgment or decree, supposed to be erroneous, was pronounced; and where two or more appellate judicial sites are supposed to be equidistant, the plaintiff in error may make his election and sue out his writ accordingly; nor shall it be dismissed for a mistake of distance, unless the mistake be of a distance more than ten miles. And in ascertaining distances under the provisions of this act, computation shall be the criterion.

§ 11. *Be it further enacted*, That when cross appeals are taken, they shall be taken to the same judicial site.

§ 12. *Be it further enacted*, That the clerk of the court of appeals may receive and record, as heretofore, deeds of conveyance and other writings, at the office of the first appellate judicial site only, and not at the office of any other site; and he shall transmit to, and keep at the office of the first appellate site, all his record books of conveyances and other recorded writings not judicial, and also his book or books of memorials and conveyances; and he shall receive and transmit at and from that office memorials of deeds, and other recorded instruments in the same way he has heretofore done at Frankfort.

§ 13. *Be it further enacted*. That if from sickness or any other cause, the Judges should be unable to hold their session at any one of the appellate judicial sites, according to the provisions of this act; it shall be competent and legal for the judges to appoint a time at which they will hold a session in the site, in which the failure happened; and their proceedings at the session so appointed, shall be entirely valid: And should the press of business, or the state of the docket at any of the judicial sites require it, the judges may appoint and hold an additional term.

§ 14. *Be it further enacted*, That the entry books, now in the possession and keeping of the clerk of the court of appeals, containing the entries on the north side of the Kentucky river, shall by the said clerk, be delivered to the register of the land office, to be by him kept in the said office.

§ 15. *Be it further enacted*, That the Court of Appeals, as held at the several appellate judicial sites ordained by this act, shall be governed and regulated by the rules and laws now in force, until they are altered, modified, or repealed. All laws contravening the provisions of this act, shall be, and the same are hereby repealed.

§ 16. *Be it further enacted*, That each appeal shall be docketed by the clerk of the court of appeals, and stand for trial at the next term of the Court of Appeals, to be holden in that appellate judicial site to which it may belong, and every writ of error shall stand for trial at the first term after the process is executed; and nothing in this act contained, shall be so construed as to prevent the Court of Appeals, when in session, from hearing and deciding motions for supersedeas made in any case arising in any part of this state, whether the case belongs to that judicial site in which they may be sitting, or not.

And the question being taken on reading the said bill a second time, it was resolved in the negative—Yeas 17, Nays 19.

The yeas and nays being required thereon by messrs. Howard and Ewing were as follows, to wit:

Those who voted in the affirmative are: messrs. Barbee, Barrett, Beauchamp, Dawson, Ewing, Gorin, Lackey, Lyon, M'Affee, Miller, Morehead, Owens, Pope, Rudd, Ward, Williams and Worthington.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Faulkner, Flourney, Henderson, J. L. Hickman, Howard, Marshall, Mountjoy, Parker, Smith, Towles and White.

And so the said bill was rejected.

Ordered, That Mr. Carneal inform the house of representatives thereof.

The following bill was reported by Mr. Ewing, from the committee of propositions and grievances.

A bill to amend the several acts relative to the town of Henderson.

Which was read the first time, and the rule being dispensed with, it was read a second and third times, (having been engrossed.)

Resolved, That the said bill do pass, and that the title be, 'an act to amend the several acts relative to the Town of Henderson; and that Mr. Ewing inform the house of representatives thereof.

The bill to reduce the quantity of paper currency, together with the substitute reported by the committee, was taken up and the substitute concurred in and amended at the clerk's table.

And the proviso to the fourth section was again read as follows, to wit: 'That the sum directed to be cancelled and burnt by this act, shall not exceed one million of dollars.'

Mr. Dawson moved to amend said proviso by striking out one million and inserting in lieu thereof, half a million, and the question being taken thereon, it was resolved in the negative—Yeas 8, Nays 27.

The yeas and nays being required thereon by Messrs. Dawson and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Dawson, Henderson, Morehead, Owens, Rudd, Ward and Worthington.

Those who voted in the negative are: Messrs. Ballinger, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Marshall, M'Affee, Miller, Mountjoy, Parker, Pope, Smith, Towles, White and Williams.

And so the said proposition was rejected.

The fifth section of the bill was then again read as follows, to wit:

The President and Directors of the Commonwealth's Bank shall make no new loan after the passage of this act until the further order of the legislature: *Provided however*, that this act shall not prohibit the renewal of notes or the substitution of the note of one individual for another.

Mr. M'Affee moved to strike out said section and the question being taken thereon, it was resolved in the negative—Yeas 14, Nays 20.

The yeas and nays being required thereon by Messrs. M'Affee and Ewing, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Dawson, Gorin, Henderson, Lackey, Mar-

shall. M'Affee, Mountjoy, Owens, Smith, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, J. L. Hickman, Howard, Lyon, Miller, Morehead, Parker, Pope, Rudd, Towles and Williams.

And so the said proposition was rejected.

Mr. J. L. Hickman then moved a substitute for the whole matter.

And then the senate adjourned.

THURSDAY, NOVEMBER 21, 1822.

The senate assembled.

Resolutions from the house of representatives requesting the governor to notify the commissioners appointed under the compact with Virginia of their appointment, and making provision for any vacancy that may happen in said commission, was taken up and concurred in.

Ordered, That Mr. Carneal inform the house of representatives thereof.

The following bills were reported from the select committees to whom they were referred, to wit:

By Mr. M'Affee—1. a bill from the house of representatives to authorise a sale of part of the Harrodsburg Seminary Lands.

By Mr. Marshall—2. a bill to amend the several acts providing for the appointment of Commonwealth's Attorneys; each with amendments.

Those to the former were concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Ewing inform the house of representatives thereof.

The latter bill with the amendments was laid on the table until the first day of June next.

Mr. Lackey from the joint committee appointed to examine and report the state of the land office, made the following report, to wit:

The joint committee of the senate and house of representatives, appointed to examine and report the state of the land office, have performed the duty required, and report as follows:

That they find, transmitted from the Virginia land office, 273 bundles of surveys, neatly labelled, with an alphabet;

also, 15 bundles, containing the caveated and defective surveys on which grants have issued; five bundles caveated surveys, two bundles defective, and one bundle surveys misplaced from their proper bundles—all neatly labelled, and recorded in 11 volumes, well bound, with a complete alphabet. Two bundles of warrants located and misplaced; one bundle copies of wills; 16 volumes, the record of grants issued on the aforesaid surveys, in good order, with a complete alphabet; the record of military warrants from the Virginia land office, in two volumes, with alphabets, and in good order; a list of the Virginia treasury warrants, in two volumes; the record of pre-emption warrants, in one volume, and a volume containing the record of warrants under the proclamation of 1763, with alphabets, and in good order; commissioners' certificates, granted in 1779 and '80, in two volumes, with alphabets, in good order. The sale books of non residents' lands for the years 1800-1-2 and 4, have a new alphabet—the books are somewhat worn; the books in which the sales of 1805-6-7-8-9-10-11-12-13-14-15-16-17-18-19 and '20 are recorded, they find in good order, with alphabets. Two volumes in which surveys have been registered since 1792, in good order—the said surveys are tied up in 141 bundles, neatly labelled, with an alphabet. The record of these surveys, together with the record of some grants, are in 10 volumes, with an alphabet, in good order; the grants issued on the aforesaid surveys are in 19 volumes, to which there is an alphabet, in good order. The surveys upon head-right certificates are neatly registered in three volumes, with two alphabets, one of which is somewhat worn; the head-right plats and certificates of surveys are filed in 303 bundles, neatly labelled, and recorded in 17 volumes, with two alphabets, new and in good order; the grants issued thereon are recorded in 20 volumes, well bound, with two alphabets in good order. The land warrants issued under the act of 1800, the surveys and grants on the same, as also the Tellico surveys and grants, are in two volumes; they are registered in one volume, original surveys tied up in bundles and neatly labelled, all in good order. Nine bundles certificates on which warrants have issued; seven bundles certificates of sale of non-residents' lands, on which deeds have issued; one bundle attorney-general's opinions to the register, five bundles county court certificates, eight bundles caveats since 1792, four bundles caveated surveys since 1792, two bundles surveys not registered for want of fees, since 1792; one bundle defective surveys since 1792, twenty

ty bundles vouchers on which the late Kentucky warrants have issued—all neatly labelled and in good order. One volume containing the surveys under the proclamation of 1763, with an alphabet; two volumes of certificates granted in 1796, and three volumes in 1798, with alphabets; Anderson's and Croghan's military entry books, with an alphabet; the transcript of Lincoln entries, in two volumes, with an alphabet, in good order; May's entry (so called) transcribed in five volumes, with two alphabets, in good order; one volume of Green's deputy register of surveys made previous to June 1792; one volume of relinquishments, in tolerable order; a list of Kentucky land warrants issued under the act of 1814, and the subsequent acts, in one volume, and the record of said warrants in five volumes. The original surveys made on said warrants are tied up in 118 bundles, neatly labelled, and recorded in 7 volumes, well bound; and the grants issued thereon recorded in 10 volumes, with an alphabet in good order. Two volumes registers of said surveys, with an alphabet, in good order. Three volumes in which caveats are recorded, with alphabets; one volume of commissioners' certificates granted in the year 1780, with an alphabet. Eleven books of entries (original) from the county of Fayette; one book of original entries from the county of Mercer, one from Bourbon, and one from Nelson, have been returned by the surveyors of said counties to the register's office, agreeably to the requisitions of an act approved February 12th, 1820—all of which books of entries are in order fit to be used, except the eleven books from the county of Fayette, which we find so worn and mutilated, as to be unfit for use. Your committee, therefore, would recommend, that the register of the land office be authorised by law to procure new books, and make a complete transcript of said Fayette entries therein.

From the Senate.

ALEXANDER LACKEY,
N. D. ANDERSON.

From the House of Representatives,

JAMES DEJARNETT,
JOSEPH TAYLOR,
SAMUEL ROBERTSON,
BENJAMIN MASON,
LEANDER J. SHARP.

Which was laid on the table.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration the petition of sundry citizens of the county of Caldwell, praying the formation of a new county out of the same, and the counter petitions of sundry citizens of said county, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition is reasonable.

Which was twice read and concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to said resolution.

Mr. Ewing moved the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That they will, on Thursday the 28th instant, proceed to the election of a President and twelve Directors to the Bank of the Commonwealth, a President and eight Directors to each of its branches, a President and six Directors to the Bank of Kentucky, a Treasurer and Public Printer.

The rule being dispensed with, it was taken up, read and adopted.

Ordered, That Mr. Ewing inform the house of representatives thereof.

Mr. Barbee from the joint committee of enrolments reported that they had examined enrolled resolutions requesting the governor to notify the commissioners appointed under the compact with Virginia of their appointment, and making provision for any vacancy that may happen in said commission.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said resolutions.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

On the motion of Mr. Anderson, leave was given to bring in a bill to establish districts in this commonwealth, and further to regulate the duties of circuit judges; and messrs. Anderson, M'Afee, Towles, Blackburn, Carpenter and Ward, were appointed a committee to prepare and bring it in.

Mr. M'Afee from the select committee raised for that purpose, reported a bill for the benefit of the heirs of James Kirkpatrick.

Which was read the first time.

The rôle being dispensed with, it was read a second time and committed to messrs. Howard, M'Afee and Bean. champ.

A bill to endow an asylum for the deaf and dumb was read a second time and committed to a committee of the whole house on the state of the commonwealth for Tuesday next.

A bill to reduce the quantity of paper currency, together with the substitute, were taken up and committed to a committee of the whole house on the state of the commonwealth.

Whereupon, the senate immediately resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Lackey in the chair; and after some time spent therein Mr. Speaker resumed the chair, and Mr. Lackey reported, that the committee had, according to order, had under consideration, a bill to reduce the quantity of paper currency, and had gone through the same with amendments, which he handed in at the clerk's table, where they were twice read and the first concurred in.

The question was then taken on concurring in the second amendment, which was to make the first paragraph of the first section read thus: 'That the President and Directors of the Commonwealth's Bank, shall make no new loans after the passage of this act, except the fund set apart for literary purposes, until the further order of the legislature.'

And it was resolved in the affirmative—Yeas 17, Nays 14.

The yeas and nays being required thereon by Messrs. J. L. Hickman and Howard, were as follows, to wit:

Those who voted in the affirmative are: messrs. Anderson, Barbee, Barrett, Beauchamp, Blackburn, Dawson, Ewing, Gorin, Marshall, M'Afee, Mountjoy, Owens, Rudd, Smith, Ward, White and Williams.

Those who voted in the negative are; messrs. Bowman, Carneal, Cowan, Davidson, Faulkner, Flournoy, J. L. Hickman, Howard, Lyon, Miller, Morehead, Parker, Pope and Towles.

The third amendment was then read as follows, to wit.

Be it further enacted, That so much of the 15th section of the act entitled 'an act to amend and extend the charter of

the Bank of Kentucky, approved 26th December 1820, as directs and authorises the President and Directors of the Bank of Kentucky, to pay over to the cashier of the Bank of the Commonwealth, the stock of the state in the Bank of Kentucky, upon the terms therein specified, be, and the same is hereby repealed, and that the said stock be permitted to remain until the affairs of said bank are wound up, inviolably pledged in the manner provided by law for the ultimate redemption of the notes of the bank of the commonwealth.

And the question being taken on agreeing thereto, it was resolved in the affirmative—Yeas 19, Nays 13.

The yeas and nays being required thereon by messrs. Davidson and Faulkner, were as follows, to wit.

Those who voted in the affirmative are : messrs. Anderson, Barrett, Beauchamp, Carneal, Cowan, Dawson, Ewing, Gorin, Lyon, Marshall, M'Acfee, Miller, Mountjoy, Owens, Rudd, Smith, Ward, White and Williams.

Those who voted in the negative are : messrs. Ballinger, Barbee, Bowman, Blackburn, Davidson, Faulkner, Flournoy, J. L. Hickman, Howard, Morehead, Parker, Pope and Towles.

Mr. Beauchamp then offered an amendment containing additional sections in relation to the Bank of Kentucky, and gave notice that when the question was taken he would call for the yeas and nays thereon.

And then the senate adjourned.

FRIDAY, NOVEMBER 22, 1822.

The senate assembled.

Mr. Blackburn presented the memorial of William Little, praying legislative patronage to Term Reports of the decisions of the court of appeals and courts of the United States, which he is about to publish.

Which was read and referred to the committee for courts of justice.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit :

The committee of propositions and grievances, have, according to order, had under consideration, the petition of sundry citizens of Washington county, praying that a small appropriation may be made for the benefit of a school in said county on the west side of Hardin's Creek, and have come to the following resolution thereupon, to wit :

Resolved, That the said petition is *reasonable*.

Which was twice read and concurred in.

Ordered, That said committee prepare and bring in a bill pursuant to said resolution.

The senate received several messages from the house of representatives, announcing that they had disagreed to the amendments made by the senate to a bill authorising a lottery for the benefit of Paris Union Lodge No. 16, and for other purposes; and concurred in those made to a bill authorising a sale of part of the Harrodsburg Seminary lands; that they had concurred in a resolution fixing a day for the election of a President and Directors to the Bank of the Commonwealth and its Branches; President and Directors to the Bank of Kentucky, a Treasurer and Public Printer.

And that they had passed bills from the senate of the following titles, to wit:

An act for the benefit of the heirs of Richard M. Gano, and an act to establish the town of Louisa, with amendments to the latter; and had passed bills of the following titles, to wit:

An act for the benefit of Nancy Templin, an idiot.

An act for the benefit of the widow and heirs of Edward Harris, deceased.

An act for the benefit of the heirs of John Edmerston, deceased.

An act for the benefit of Catherine Logsdon and others.

An act further to regulate the payment of the debt due the commonwealth for the sale of vacant lands.

And an act changing the time of holding the Jefferson and Washington circuit courts.

And had adopted a resolution requiring the directors of the Bank of the Commonwealth and branches to continue the calls on the debtors to said bank and branches to one per cent per month.

The following bills were reported, to wit:

By Mr. Bowman—1. a bill to amend an act entitled an act for the benefit of Francis Emmerson's heirs.

By Mr. J. L. Hickman—2. a bill for the benefit of Lewis Masquirier and others.

By Mr. Owens—3. a bill to amend the penal laws.

By Mr. Ewing—4. a bill for the division of Caldwell county; and 5. a bill for the benefit of Polly and Betsy Singleton.

Which bills were read the first time, and the rule being dispensed with, they were read a second time; and the first, second, fourth and fifth, a third time, (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be, an act to amend an act entitled an act for the benefit of Francis Emmerson's heirs.

An act for the benefit of the heirs of Lewis Masquirier and others.

An act to establish the county of Lyon.

An act for the benefit of Polly and Betsey Singleton; and that Mr. J. L. Hickman inform the house of representatives thereof.

The third bill was committed to messrs. Blackburn, Owens, Howard and Beauchamp.

Ordered, That the public printers print one hundred and fifty copies of the bill to endow an asylum for the tuition of the deaf and Dumb for the use of the legislature.

Mr. M'Alce presented the petition of the heirs of John South, praying that a law may be passed authorising the sale and conveyance of part of the real estate descended to them, for the payment of the debts of their ancestor.

Which was read and referred to the committee for courts of justice.

The following bills were reported from the select committees to whom they were referred, to wit:

By Mr. Beauchamp—a bill directing the auditor of public accounts to transcribe certain books and papers in his office.

And By Mr. Howard—a bill for the benefit of the heirs of James Kirkpatrick; severally with amendments; those to the former were disagreed to and those to the latter concurred in.

The former bill having been amended at the clerk's table, was read a third time, (having been engrossed.)

Resolved, That the said bill do pass, and that the title be, an act directing the auditor of public accounts to transcribe certain books and papers in his office; and that Mr. Ward inform the house of representatives thereof.

The latter bill was committed to the committee of propositions and grievances.

And then the senate adjourned.

SATURDAY, NOVEMBER 23, 1822.

The senate assembled.

Mr. Anderson presented the petition of sundry citizens of the counties of Breckenridge, Ohio and Grayson, praying the formation of a new county out of parts of each of said counties.

Which was read, but the notices being insufficient, the petition was rejected.

A resolution from the house of representatives requiring the directors of the Bank of the Commonwealth and branches to continue the calls on the debtors to said bank and branches to one per cent per month, was taken up and concurred in.

Ordered, That Mr. J. L. Hickman inform the house of representatives thereof.

On motion, leave of absence from the service of the senate was granted to messrs. Mountjoy and Williams until Wednesday next.

Mr. Ward from the joint committee appointed to examine the Auditor's Office, made the following report, to wit:

The joint committee of the senate and house of representatives, appointed to examine the Auditor's Office, have performed that service.

They have, with great care and labor, examined all the evidence and vouchers in support of each charge against the state, in the year ending the 10th of October 1822, and find all the charges properly supported by legal vouchers and evidence. They also find that the receipts correspond with the books of the treasury. They have compared the general account, as stated in the auditor's books, with his report made to the legislature the present session, and they find a perfect correspondence between the books and said report, with an exception of a clerical error of five dollars, which has been corrected. They therefore deem it unnecessary to accompany this report with a detailed statement of the particular items and charges, as it would be but a repetition of the auditor's report. The books and papers are all in good order, except the non-resident tax book, which is much worn, and indeed in some places, almost entirely defaced, and ought, in the opinion of the committee, to be remedied immediately.

Your committee think it due to that department, to state, that the whole of the business has been done with great accuracy, neatness, and in an excellent manner.

From the Senate.

THOMSON WARD,
THOMAS TOWLES.
JOHN L. HICKMAN.

From the House of Representatives,

S. DAVEISS.
ROBT. J. WARD,
JOHN WELLS.
RICHARD I. MUNFORD,
WM. M'CLANAHAN.
J. R. WITHERSPOON.

The senate received several messages from the house of representatives, announcing the passage of the following bills, to wit:

An act for the relief of Joseph Watts and the heirs of Daniel North.

An act for the benefit of the heirs of John Allen.

An act for the benefit of the widow and heirs of Leonard Robertson, deceased.

An act allowing additional justices of the peace in certain counties in this commonwealth.

An act for the benefit of Martin Beatty.

And the passage of bills from the senate of the following titles:

An act authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell one hundred and forty acres of land.

And an act confirming the sale of certain slaves late belonging to Lucy Keizer's heirs; with an amendment to the latter.

Mr. Barbee from the joint committee of enrolments, reported that they had examined an enrolled resolution requiring the directors of the Bank of the Commonwealth and branches to continue the calls on the debtors to said bank and branches to one per cent per month.

And had found the same truly enrolled.

Ordered, That the message from the governor relative to fugitives from justice be committed to messrs. Owens, Henderson and White.

The following bills were reported from the committee of propositions and grievances, to whom they were referred,

to wit: A bill for the benefit of the heirs of James Kirkpatrick: and a bill from the house of representatives for the benefit of William T. Henderson: with an amendment to the former which was concurred in and the bill read a third time.

Resolved, That the former bill do pass, and that the title be, 'an act for the benefit of James Gilman and others,' and that Mr. Howard inform the house of representatives thereof.

The committee reported the following resolution, to wit: The committee of propositions and grievances, have, according to order, had under consideration, a bill to them referred, for the benefit of William T. Henderson, and have come to the following resolution thereupon, to wit:

Resolved, That the said bill *ought not to pass*.

Which was twice read and concurred in.

The question being taken on reading the said bill a third time, it was resolved in the negative, and so the said bill was rejected.

Ordered, That Mr. Howard inform the house of representatives thereof.

Mr. Beauchamp read and laid on the table a resolution requiring the President of the Bank of Kentucky to furnish the joint committee who were appointed to examine it, with information.

The following bills were reported, to wit:

By Mr. Bowman—a bill to authorise the running and marking the line between the counties of Cumberland and Monroe.

By Mr. Beauchamp—a bill to repeal the charter of the Bank of Kentucky.

Which were read the first time.

The rule being dispensed with, they were read a second time, and the former was committed to messrs. Bowman, Gerin and Howard.

Ordered, That the public printers forthwith print 150 copies of the latter bill for the use of the members of the legislature.

The senate resumed the consideration of the bill to reduce the quantity of paper currency.

Mr. J. L. Hickman moved the following as a substitute for the bill, to wit:

Whereas, by the act establishing the Bank of the Commonwealth, it was declared that the notes of the said bank should be payable and redeemable in gold and silver, and

certain public funds were, by the said act, enumerated and pledged for that purpose; and whereas, no adequate provision hath been made by law, for the application of those funds, to the purpose aforesaid; and it is deemed by the present general assembly, that such provisions would not only be in conformity with the intentions of the act of charter, but that it is due to the just claims of the good people who are the holders of the paper, that the most speedy practical application of the funds pledged, be made, for the gradual redemption of so much of the paper as will enable the bank to pay specie for its notes. Wherefore,

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky,* That the auditor of public accounts be, and he is hereby required to make out an estimate of all the money which shall have been paid into the public treasury from the 29th day of November 1820, till the 10th day of October 1822, for the purchase of the vacant lands of the commonwealth; also, an estimate of all money paid into the treasury within the period aforesaid, for land warrants, and furnish the same to the President of the Bank of the Commonwealth of Kentucky; and the auditor shall also annually on the day of make out, and furnish to the president of said bank, an estimate of all moneys received from those two sources.

§ 2. On the day of next, and on the same day in each succeeding year, the auditor shall make out, and furnish to the president of said bank, an estimate of all the money which shall have been received for the sale of the vacant land west of the Tennessee. That the Treasurer shall, forthwith, repay to the Cashier of the Bank of the Commonwealth, the amount paid to him by said cashier, for the interest accruing in said bank, agreeably to "an act providing a mode for this state receiving the net profits at the Commonwealth's Bank," and that the operation of the said act be suspended, so far as it relates to the payment of the interest which may accrue prior to the first day of July next.

§ 3. That the president of the said bank, shall, on the day of in the presence of the directory, and of the auditor of public accounts, and of the treasurer, who are required to attend for that purpose, cancel, by burning, in notes of the largest denomination, an amount in the paper of the said bank, equal to what has been paid into the treasury for vacant land, for land warrants, what has been received for the sale of land west of Tennessee,

what was paid into the Bank of the Commonwealth at Frankfort, for interest, for calls, and what has been received by voluntary payments. That before cancelling said notes, the president shall cause to be made out, duplicate lists thereof, exhibiting their numbers and amount, one of which lists, shall be retained in said bank, and the other filed with the Auditor.

§ 4. It shall be the duty of the President and Directors of the several Branch Banks of the Commonwealth, to make out an estimate of all the money which shall have been paid in prior to for interest, for calls and for voluntary payments; which amount they shall remit to the cashier of the mother bank in Frankfort, in notes of the largest denomination then on hand, as soon as practicable after the passage of this act. The Presidents of said several branches shall cause to be made out duplicate lists of the notes, showing their numbers and amount thus remitted, one of which lists shall accompany the notes thus remitted, and the other be retained in the branch.

§ 5. That the presidents of the said branch banks, shall also, on the first days of January, May and September, annually, make out estimates of the notes received as aforesaid, with lists as aforesaid, and within ten days after the said first days of January, May and September, transmit the amount received, with duplicate lists to the mother bank.

§ 6. That the president of the Bank of the Commonwealth shall, annually, on the first day of February, the first day of June, and the first day of October, in the presence of the directory and of the auditor of public accounts and treasurer, proceed to cancel by burning, all the paper of the said bank which shall have been received from time to time as aforesaid.

§ 7. And whereas, by the operation of a resolution of the last general assembly, requiring the Bank of Kentucky to receive the notes of the Commonwealth's Bank for its debts, there has been received and is on hand in the said Bank of Kentucky and its branches, a large amount of those notes, which they are desirous to pay over to the Bank of the Commonwealth, in discharge of the state's stock in that institution: *Be it further enacted*, That so much of the 15th section of the act as postpones the time of the first payment of said stock to the first day of December 1824, be, and the same is hereby repealed. And the president and directors of the said Bank of Kentucky, are authorised

to pay over to the cashier of the Bank of the Commonwealth, one half of the capital stock owned by the state in the Bank of Kentucky.

§ 8. The president of the Bank of the Commonwealth shall, within ten days after the receipt of any payment made as aforesaid for stock, proceed to cancel by burning, the amount so received; first having made duplicate lists as before required, one copy of which shall be delivered to the auditor of public accounts, and the other retained in the bank.

§ 9. That so soon as there shall be collected in the vaults of the Bank of the Commonwealth or its branches, such an amount in specie, as in the opinion of the President and directors of said bank, will justify their commencing to pay specie for their notes, the President of the said bank shall announce that fact by advertisement in the paper of the public printer, and thenceforth the cancelling of the said paper shall cease.

And the question being taken thereon, it was resolved in the negative—Yeas 4, Nays 28.

The yeas and nays being required thereon by messrs. Hickman and Gorin, were as follows, to wit:

Those who voted in the affirmative are: messrs. Bowman, Davidson, J. L. Hickman and Towles.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Beauchamp, Blackburn, Cowan, Dawson, Ewing, Faulkner, Flournoy, Gorin, Henderson, Howard, Lackey, Lyon, Marshall, M'Afee, Miller, Morehead, Owens, Parker, Pope, Rudd, Smith, Ward, White and Worthington.

Mr. Hickman then moved the following amendment to the bill, to wit:

The President and Directors of the Bank of Kentucky, shall cease loaning from and after the passage of this act, and the branches thereof from and after the first day of January next; any thing in the charter of said bank to the contrary notwithstanding: *Provided nevertheless*, that all power of renewing, cancelling or changing the debt due said bank and branches, or for providing for the payment of its debts, shall remain as heretofore.

And the question being taken thereon, it was resolved in the negative—Yeas 8, Nays 24.

The yeas and nays being required thereon by Messrs. Hickman and Beauchamp, were as follows, to wit:

Those who voted in the affirmative are : Messrs. Anderson, Beauchamp, Henderson, J. L. Hickman, Miller, Owens, Ward and Worthington.

Those who voted in the negative are : Messrs. Ballinger, Barbee, Barrett, Bowman, Blackburn, Cowan, Davidson, Dawson, Ewing, Faulkner, Flournoy, Gorin, Howard, Lackey, Lyon, Marshall, M'Afee, Morehead, Parker, Pope, Rudd, Smith, Towles, and White.

The said bill having been engrossed was read a third time.

And the question being taken on the passage of the bill, it was resolved in the affirmative—Yeas 26, Nays 5.

The yeas and nays being required thereon by messrs. M'Afee and Beauchamp, were as follows, to wit :

Those who voted in the affirmative are : Messrs. Anderson, Barbee, Barrett, Bowman, Blackburn, Cowan, Davidson, Ewing, Faulkner, Flournoy, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Marshall, M'Afee, Miller, Morehead, Parker, Pope, Smith, Towles, Ward, White and Worthington.

Those who voted in the negative are : Messrs. Beauchamp, Dawson, Henderson, Owens and Rudd.

Resolved, That the said bill do pass, and that the title be, 'an act to reduce the quantity of paper currency,' and that Mr. M'Afee inform the house of representatives thereof.

Ordered, That Mr. M'Afee be added to the committee to whom so much of the governor's message as relates to education was referred.

Mr. Blackburn from the committee for courts of justice, to whom was referred a bill from the house of representatives for the benefit of the heirs of John Smith, deceased, reported the same with an amendment, which was concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass and that Mr. M'Afee inform the house of representatives thereof.

A bill from the house of representatives further to regulate the payment of the debt due the commonwealth for the sale of vacant land was read the first time.

The rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass, and that Mr. Ewing inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, NOVEMBER 25, 1822.

The senate assembled.

Mr. Barbee from the joint committee of enrolments, reported that they had examined an enrolled bill entitled an act to authorise a sale of part of the Harrodsburg Seminary lands.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bill and a resolution reported on Saturday.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

The senate received from the governor a written message containing sundry military nominations.

The bill to repeal the charter of the Bank of Kentucky was taken up and sundry amendments made thereto.

Mr. Marshall moved the following amendment in lieu of the two first sections, to wit :

That the President and Directors of the Bank of Kentucky shall so regulate the calls upon its debtors, and arrange the business of said bank, that one seventh of the debts due said institution, and no more, shall be collectable in one year, and the whole concerns of said bank shall be closed within the time prescribed by the act to extend the charter of said bank : *Provided*, That no dividend shall be declared in favor of the stockholders until the debts due by said bank are paid or provided for.

And the question being taken thereon it was resolved in the negative—Yeas 9, Nays 21.

The yeas and nays being required thereon by Messrs. Marshall and Ward, were as follows, to wit :

Those who voted in the affirmative are : messrs. Ballinger, Bowman, Davidson, Howard, Lyon, Marshall, Morehead, Owens and Smith.

Those who voted in the negative are : messrs. Anderson, Barbee, Barrett, Beauchamp, Blackburn, Cowan, Dawson, Faulkner, Gorin, Henderson, J. L. Hickman, Lackey, M'Afee, Miller, Parker, Pope, Rudd, Towles, Ward, White and Worthington.

The said bill was further amended at the clerk's table and ordered to be engrossed and read a third time.

Mr. Ward from the select committee to whom was referred the engrossed bill for the limitations of actions, reported the same with an amendment; which was laid on the table.

The senate received a message from the house of representatives, announcing that they had adopted a resolution for appointing a joint committee to examine the Bank of the Commonwealth of Kentucky.

And then the senate adjourned.

TUESDAY, NOVEMBER 26, 1822.

The senate assembled.

Mr. Rudd presented the petition of sundry citizens of this state praying that the law relating to slaves may be amended.

The Speaker laid before the senate the memorial of Wm. Hunter and others, praying that the several sums of money paid by them towards rebuilding the capitol may be refunded.

Which were read and referred, the former to the committee for courts of justice and the latter to the committee of propositions and grievances.

Mr. Barbee from the joint committee of enrolments, reported that they, on yesterday, laid before the governor the bill and resolution signed by the Speakers of both houses; and that they had examined sundry enrolled bills and a resolution of the following titles, to wit:

An act for the benefit of the heirs of Richard M. Gano.

An act further to regulate the General Court.

An act for the benefit of the children of Henderson Linney.

An act to amend an act authorising the location of certain Seminary lands and for other purposes.

An act authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell, 140 acres of land.

An act for the benefit of Burrell Temple and others.

A resolution fixing a day for the election of President and Directors to the Bank of the Commonwealth and Branches, President and Directors to the Bank of Kentucky, a Treasurer and Public Printer.

And had found the same truly enrolled.

The senate received from the house of representatives, a message announcing that their Speaker had signed said bills and resolution.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

The Speaker laid before the senate the following communication, to wit:

Flemingsburg, November 23rd, 1822.

DEAR SIR,

The circumstances which compel me to resign my seat in the senate of Kentucky, are truly melancholy and afflicting. I need not repeat them, as they are known at Frankfort. You will therefore consider this as my resignation, and please accept for yourself and the members of the senate an assurance that I entertain for you and them sentiments of the highest respect and esteem.

WM. P. ROPER.

THE HONORABLE WILLIAM T. BARRY,
Speaker of the Senate.

The senate received several messages from the house of representatives, announcing the passage of the following bills from the senate, to wit:

An act for the benefit of the heirs of Lewis Masquirier and others.

An act to amend an act entitled an act for the benefit of the seminary of Harlan county.

An act to amend the several acts relative to the town of Henderson.

An act to regulate the right of suffrage in the county of Lawrence.

An act for the relief of Walter Emmerson, sheriff of Wayne county.

And that they had passed bills of the following titles, to wit: 1. an act for the benefit of the sheriff of Logan county; 2. an act for the benefit of the creditors of Jacob Anderson deceased; 3. An act further to exempt certain property from execution; 4. an act for the relief of the heirs of Israel Thompson; 5. an act for the benefit of Silas Payne and Sarah S. Payne, his wife; and 6. an act to amend the several acts concerning working on roads.

The first and fourth bills were read the first time.

The rule being dispensed with, they were read a second time and the first a third time.

Resolved. That the first bill do pass, and that Mr. Ewing inform the house of representatives thereof.

The fourth Bill was committed to the committee for courts of justice.

Mr. Bowman from the select committee to whom was referred a bill to authorise the running and marking the line between the counties of Cumberland and Monroe, reported the same without amendment, and having been engrossed, it was read a third time.

Resolved. That the said bill do pass, and that the title be, 'an act to authorise the running and marking the line between the counties of Cumberland and Monroe; and that Mr. Bowman inform the house of representatives thereof.

The following bills were reported.

By Mr. Faulkner—a bill to establish an election precinct in Garrard county.

And by Mr. Ewing, from the committee of propositions and grievances—a bill concerning the Frankfort and Shelbyville Turnpike road, which were read the first time.

The rule being dispensed with, they were read a second and third time, (having been engrossed.)

Resolved. That the said bills do pass and that the titles be, 'an act to establish an election precinct in Garrard county, and an act concerning the Frankfort and Shelbyville Turnpike road; and that Mr. Ewing inform the house of representatives thereof.

The amendments made by the house of representatives to the following bills from the senate to wit:

An act to authorise the sale of a part of the real estate of John Courts, deceased.

An act confirming the sale of certain slaves late belonging to Lucy Keizer's heirs.

And an act to establish and regulate the town of Louisa in the county of Lawrence, were severally taken up and read.

Resolved. That the senate concur in the amendments to the two former.

The latter was committed to the committee for courts of justice.

A bill from the house of representatives authorising a lottery for the benefit of Paris Union Lodge No. 16, and for other purposes and the amendments made thereto by the senate, were again taken up.

Resolved. That the senate insist on their amendments, and that Mr. J. L. Hickman, inform the house of representatives thereof.

Mr. Barbee from the joint committee of enrolments, reported that they had examined two enrolled bills to wit:

An act further to regulate the payment of the debt due the commonwealth for the sale of vacant land.

And an act for the relief of the Sheriff of Logan county.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

Leave was given Mr. Towles to report a bill to extend the terms of the Henderson circuit court, which was read the first time.

The rule being dispensed with, it was read a second and third times, (having been engrossed.)

Resolved, That the said bill do pass, and that the title be, 'an act to extend the terms of the Henderson circuit court, and that Mr. Towles inform the house of representatives thereof.

A bill from the house of representatives to establish the county of Calloway, was read the first time.

The rule being dispensed with, it was read a second and third times.

Resolved, That the said bill do pass, and that Mr. Lyon inform the house of representatives thereof.

Engrossed bills, to wit: 1. a bill to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line; 2. a bill to repeal an act entitled an act concerning Chapline's fork of Salt River, approved February 10, 1820; 3. a bill to regulate proceeding in chancery; 4. a bill to regulate the duties of attorneys for the commonwealth, appointed by the county courts; 5. a bill to repeal the charter of the Bank of Kentucky, were severally read a third time.

The question being taken on the passage of the fifth bill, it was resolved in the affirmative—Yeas 25, Nays 6.

The yeas and nays being required thereon by messrs. Gorin and Beauchamp, were as follows, to wit.

Those who voted in the affirmative are: messrs. Anderson, Barbee, Barrett, Beauchamp, Blackburn, Carpenter, Cowan, Dawson, Ewing, Faulkner, Gorin, Henderson,

J. L. Hickman, Lackey, Lyon, M'Affee, Miller, Parker, Pope, Rudd, Smith, Towles, Ward, White and Worthington.

Those who voted in the negative are: messrs. Ballinger, Davidson, Howard, Marshall, Morehead, and Owens.

Resolved, That the first, second, fourth and fifth bills do pass, and that the titles be respectively, 'an act to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line; an act to repeal an act entitled an act concerning Chaplin's fork of Salt River, approved February 10, 1821; an act to regulate the duties of attorneys for the commonwealth, appointed by the county courts; and an act to repeal the charter of the Bank of Kentucky; and that Mr. Beauchamp inform the house of representatives thereof.

The fourth bill was committed to messrs. Owens, Marshall, Pope and Carpenter.

On the motion of Mr. Barbee, the committee of the whole house on the state of the commonwealth, were discharged from the further consideration of a bill to endow an asylum for the tuition of the Deaf and Dumb; and the bill having been engrossed was read a third time.

The second section of the bill was then read as follows, to wit:

§ 2. *Be it further enacted*, That in order to aid the funds of the said asylum, the governor is hereby authorised and required to draw his warrant on the Auditor of Public Accounts in favor of the trustees of this asylum, for the sum of _____ immediately, and moreover, shall draw his warrant on the Auditor in favor of said trustees, for the further sum of _____ for every indigent pupil taught in said asylum, which shall authorise the Auditor to draw a warrant on the Treasurer for the amount directed in the governor's warrant, which shall be paid out of any money in the treasury not otherwise appropriated by law, and charged to the school fund: *Provided*, that no one scholar shall be taught at the expence of the state more than three years; and provided also, that the sum so to be drawn from the treasury, for such tuition, shall, in no one year, exceed the sum of _____ dollars.

Mr. Barbee moved to fill the first blank in said section with the sum of five thousand dollars.

And the question being taken thereon, it was resolved in the negative—Yeas 12, Nays 19.

The yeas and nays being required thereon by messrs. Anderson and Gorin, were as follows, to wit:

Those who voted in the affirmative are: messrs. Balingier, Barbee, Beauchamp, Davidson, Ewing, Henderson, Marshall, M'Afee, Owens, Pope, Towles and White.

Those who voted in the negative are: Messrs. Anderson, Barrett, Blackburn, Carpenter, Cowan, Dawson, Faulkner, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Miller, Morehead, Parker, Rudd, Smith, Ward and Worthington.

The bill was then recommitted to messrs. M'Afee, Marshall and Barbee.

On the motion of Mr. Lyon, leave was given to bring in a bill to establish the town of Waidborough in the county of Calloway, and to provide for the sale of lots in said town.

And messrs. Lyon, Blackburn and Howard were appointed a committee to prepare and bring it in.

And then the senate adjourned.

WEDNESDAY, NOVEMBER 27, 1822.

The senate assembled.

The senate received several messages from the house of representatives, announcing the passage of the following bills, to wit:

An act altering the terms of certain circuit courts.

An act for the benefit of the trustees of the town of Columbus.

An act for the benefit of Jarmin Hukill and others.

An act for the benefit of the administrator of Isabella Razor, deceased.

An act for the relief of the Sheriffs of Union and Butler counties.

An act to extend the powers of the trustees of Shippingport.

An act establishing a ferry on the land of James Riddle.

And the passage of a bill from the senate for the benefit of James Montgomery, John Lee and James Lacey, with an amendment.

The following bills were reported, to wit:

By Mr. Ewing—1. a bill making an appropriation to a certain school in Washington county.

By Mr. Beauchamp—2. a bill to provide for the improvement and cultivation of certain lands.

By Mr. Marshall—3. a bill authorising resident *femes covert* to make powers of attorney.

And by Mr. Flourney—4. a bill to establish a Lunatic Asylum.

The first and third were read the first time.

The rule being dispensed with, the first was read a second time and committed to a committee of the whole house on the state of the commonwealth.

Mr. Blackburn read and laid on the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printing ought to be divided, and that two printers ought to be appointed; the one be directed to print the journals of the house of representatives, the bills originating in the same and the laws passed by the legislature. The other be directed to print the journals of the senate, the bills originating in the same, and the blanks for the public offices, &c.

And the rule being dispensed with, it was taken up, and the question being taken thereon, it was resolved in the negative—Yeas 16, Nays 16.

The yeas and nays being required thereon by Messrs. Bowman and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barbee, Beauchamp, Blackburn, Carpenter, Cowan, Flourney, Howard, Lyon, Marshall, Owens, Parker, Pope, Rudd, Towles and Worthington.

Those who voted in the negative are: Messrs. Ballinger, Bowman, Davidson, Dawson, Ewing, Faulkner, Gerin, Henderson, Lackey, M'Affee, Miller, Morehead, Smith, Ward, White and Williams.

Leave was given to bring in the following bills, to wit:

On the motion of Mr. Beauchamp—a bill to raise the salary of the attorney general.

On the motion of Mr. Henderson—a bill to amend the act for the benefit of John Curd's heirs.

And on the motion of Mr. Lackey—a bill for the benefit of John Williams, a person of unsound mind.

Messrs. Beauchamp, Flourney and Marshall, were appointed a committee to prepare and bring in the first, Messrs. Henderson, Pope and Marshall the second, and Messrs. Lackey, Henderson and Ewing the third.

Mr. Beauchamp from the first committee, reported a bill which was read the first time, and the rule being dispensed with, it was read a second time and committed to messrs. Blackburn, Flournoy, Ward and Owens.

Mr. Blackburn from the committee for courts of justice, made the following report, to wit:

The committee of courts of justice, have, according to order, had under consideration sundry petitions to them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of the heirs of John South, deceased, late of Fayette county, praying that a law may be passed, vesting John South, son of said John deceased, with full power and authority to sell and convey the real estate of the said decedent, *is reasonable*.

Resolved, That the petition of the legatees of Mary Dudgeon deceased, praying that a law may be passed authorising the sale of a lot of ground containing five acres, adjoining the town of Campbellsville in Green county, *be rejected*.

Which were twice read and concurred in.

Ordered, That the said committee prepare and bring in a bill pursuant to the first resolution.

Mr. Blackburn from the committee for courts of Justice, to whom was referred a bill from the house of representatives for the relief of the heirs of Israel Thompson, reported the same without amendment.

It was then amended at the clerk's table and read a third time.

And the question being taken on the passage of said bill, it was resolved in the affirmative—Yeas 24, Nays 8.

The yeas and nays being required thereon by Messrs. Beauchamp and Ward, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Bowman, Blackburn, Cowan, Davidson, Ewing, Faulkner, Flournoy, Gorin, Howard, Lyon, M'Afee, Morehead, Owens, Parker, Pope, Rudd, Smith, Towles, Ward and Worthington.

Those who voted in the negative are: Messrs. Beauchamp, Carpenter, Dawson, Henderson, J. L. Hickman, Lackey, Marshall and Miller.

Resolved, That the said bill as amended do pass, and that Mr. Pope inform the house of representatives thereof.

Mr. M'Afee from the select committee to whom was referred, a bill to endow an asylum for the tuition of the deaf

and dumb, reported the same without amendment, and it was read a third time.

The question was then taken on the passage thereof, and it was resolved in the affirmative—Yeas 20, Nays 13.

The yeas and nays being required thereon by messrs. Dawson and Beauchamp, were as follows, to wit :

Those who voted in the affirmative are : Messrs. Ballinger, Barbee, Barrett, Beauchamp, Bowman, Blackburn, Davidson, Ewing, Flournoy, Henderson, Howard, Lackey, Lyon, Marshall, M'Afee, Owens, Pope, Smith, Towles and Ward.

Those who voted in the negative are : Messrs. Anderson, Carpenter, Cowan, Dawson, Faulkner, Gorin, J. L. Hickman, Miller, Morehead, Parker, Rudd, White and Worthington.

Resolved, That the said bill do pass, and that the title be, 'an act to endow an Asylum for the tuition of the Deaf and Dumb,' and that Mr. Barbee inform the house of representatives thereof.

A resolution from the house of representatives appointing a joint committee to examine the Bank of the Commonwealth of Kentucky, was taken up and concurred in.

Whereupon, Messrs. M'Afee, Towles and Flournoy were appointed a committee on the part of the senate.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

Mr. Davidson from the joint committee appointed to examine the Treasurer's Office, made the following report, to wit :

The joint committee of the senate and house of representatives, appointed to examine the treasurer's office, have performed that duty.

They have, with great care and labor, examined the evidence and vouchers in support of each charge against the commonwealth, and receipts, in the period of the last twelve months, commencing the 11th of October 1821, and ending the 10th of October 1822, inclusive. They find all the charges supported by legal vouchers. They discovered but one mistake, which has been corrected entirely to the satisfaction of the committee. The receipts correspond with the books of the treasury. They compared the general account, as stated in the treasurer's books, with his report made to the legislature this session, and find a perfect correspondence between the books and said report. Your committee, therefore, deem it unnecessary to make a detail.

ed statement, as it would be but a repetition of the treasurer's report.

Your committee are highly pleased with the manner in which that office is kept, and the correct and neat manner in which the business is done.

From the Senate,

JAMES DAVIDSON,
CHITTENDEN LYON,
JOHN FAULKNER.

From the House of Representatives,

ANDREW MULBROW,
ROBERT POWELL,
RICHARD E. MEADE,
JOHN M. MCCONNELL,
HENRY SMITH,
WILLIAM RODES.

The senate received information by Mr. Anderson, that the Governor did, on yesterday, approve and sign sundry enrolled bills and resolutions of the following titles, to wit:

A resolution fixing a day for the election of President and Directors to the Bank of the Commonwealth and its branches, President and Directors to the Bank of Kentucky, a Treasurer and Public Printer.

An act to amend an act authorising the location of certain Seminary lands, and for other purposes.

An act for the benefit of the children of Henderson Linney.

An act for the benefit of Burwell Temple and others.

An act further to regulate the General Court.

An act for the benefit of the heirs of Richard M. Gano.

An act authorising the trustees of the Franklin Seminary to sell and convey to Wiley Campbell, one hundred and forty acres of land.

Ordered, That Mr. Ewing inform the house of representatives thereof.

And then the senate adjourned.

THURSDAY, NOVEMBER 28, 1822.

The senate assembled.

Mr. Lyon presented the petition of sundry citizens of Livingston county, residing in and near Smithland, praying the establishment of a hospital at that place.

The Speaker laid before the senate, a letter from William Littell, offering to make certain notes and references to the acts of the present session.

Which were severally read, and the former referred to the committee of propositions and grievances and the latter to the committee for courts of justice.

Mr. White moved to reconsider the vote given on yesterday, rejecting a resolution for dividing the public printing; the vote was reconsidered.

The question was again taken on the adoption of the first branch of said resolution, and it was resolved in the affirmative—Yeas 19, Nays 17.

The yeas and nays being required thereon by Messrs. Bowman and Dawson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barbee, Beauchamp, Blackburn, Carneal, Carpenter, Cowan, Flournoy, J. L. Hickman, Howard, Lyon, Marshall, Mountjoy, Owens, Parker, Pope, Rudd, Towles and Worthington.

Those who voted in the negative are: Messrs. Ballinger, Barrett, Bowman, Davidson, Dawson, Ewing, Faulkner, Gorin, Henderson, Lackey, M'Affee, Miller, Morehead, Smith, Ward, White and Williams.

The resolution being amended, was adopted.

Ordered, That Mr. Beauchamp inform the house of representatives thereof.

Mr. Williams from the joint committee of enrolments, reported that they had examined two enrolled bills of the following titles, to wit:

An act for the benefit of the children of John Courts, deceased.

An act confirming the sale of certain slaves late belonging to Lucy Keizer's heirs.

And had found the same truly enrolled.

The senate received from the house of representatives, a message announcing that their Speaker had signed said bills.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Williams reported that they had performed that duty.

The following bills were reported, to wit:

By Mr. Henderson—1. a bill to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd.

By Mr. Flournoy—2. a bill to establish a Lunatic Asylum.

By Mr. Lyon—3. a bill to establish the town of Waidsborough in the county of Calloway and to provide for the sale of lots in said town.

By Mr. Lackey—4. a bill to authorise the sale of the real estate of John Williams, a person of unsound mind.

By Mr. Marshall—5. a bill to amend an act entitled an act for the benefit of Samuel Lewis.

By Mr. Blackburn—6. a bill for the benefit of the heirs of John South; and 7. a bill to prevent the sending slaves and servants to other states as merchandize.

Which were severally read the first time.

The rule being dispensed with, they were read a second time. and the first and fifth a third time, (having been engrossed.)

Resolved, That the first and fifth bills do pass, and that the titles be respectively, 'an act to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd, and an act to amend an act entitled an act for the benefit of S. Lewis.

Ordered, That Mr. Blackburn inform the house of representatives thereof.

The sixth was committed to messrs. Carpenter, Blackburn and M'Afee, and the seventh to messrs. Towles, Beauchamp and Marshall.

Mr. Carpenter reported the sixth bill with an amendment, which was concurred in, and the bill having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act for the benefit of the heirs of John South,' and that Mr. M'Afee inform the house of representatives thereof.

Mr. Owens read and laid on the table the following resolution, to wit:

Resolved by the Senate and House of Representatives, That the resolution adopted on the 26th inst. fixing on a day to elect President and Directors for the Bank of Kentucky, President and Directors for the Bank of the Commonwealth and its branches, Treasurer and Public Printers, be rescinded; and that they will, on Tuesday the third day of December, proceed to elect said officers.

The rule being dispensed with, it was taken up, twice read and adopted.

Ordered, That Mr. Owens inform the house of representatives thereof.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

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The committee of propositions and grievances, have, according to order, had under consideration the petition of William Hunter, Thomas V. Loofbourrow and George Baltzell, praying that a law may be passed refunding to them the money which they respectively paid, towards rebuilding the capitol in the town of Frankfort, and have come to the following resolution thereupon, to wit :

Resolved. That the said petition is reasonable.

Which was twice read and concurred in.

Ordered. That said committee prepare and bring in a bill pursuant to said resolution.

The following reports from committees appointed to examine bank reports, were made, to wit :

The joint committee to whom was referred the examination of the report of the Branch Bank of the Commonwealth of Kentucky at Lexington, have had the same under their consideration, and so far as they know, or can be certainly advised, the loans have been made upon sufficient security, and have been in other respects governed by the principles of the charter of incorporation.

From the Senate,

RODES SMITH,
M. FLOURNOY.

From the House of Representatives.

WM. RODES,
ROBERT J. WARD,
JAMES TROTTER,
J. R. WITHERSPOON.

The joint committee appointed to examine the report from the Hartford Branch of the Bank of the Commonwealth of Kentucky, ask leave to report : That they have examined the list of debtors to said branch, also the sums borrowed, and how secured, and they have much reason to believe (as far as can be judged from said report) that the concerns of said branch have been well conducted.

From the Senate,

THOMAS TOWLES,
N. D. ANDERSON.

From the House of Representatives,

DAVID R. MURRAY,
DAVID J. KELLY,
WILLIAM INGLISH,
HUGH M'ELROY,
S. G. HOPKINS,
JOHN ROBERTS, JR.

Pursuant to a joint resolution of both houses of the legislature, we, the undersigned, representatives of the eleventh bank district, have had under consideration, the report from said branch bank, and are pleased to find, that the concerns of the institution, so far as can be learned from an inspection of said report, have been conducted in the true spirit of its organization. We find the loans to each individual have been small, consequently, the district has more generally participated in the advantages resulting from the institution. No one individual has obtained the maximum which was allowed, nor have more than two directors obtained the full amount they could draw, and others of the directory have not obtained a single dollar. The debts due said bank are well secured, either by personal security or mortgages on real estate. We find some of the directors have not paid any discounts on their loans; all of which is respectfully submitted.

From the Senate,

THOMSON WARD,
S. L. WILLIAMS,
ALEXANDER LACKEY.

From the House of Representatives.

JOHN WILLIAMS,
ROBERT WALKER,
J. SAUNDERS,
JOHN M. M'CONNELL.

The joint committee to whom was referred, the examination of the report of the Branch Bank of the Commonwealth of Kentucky, at Falmouth, have had the same under their consideration, and so far as they know or can be certainly advised, the loans have been made upon sufficient security, and have been in other respects governed by the principles of the charter of incorporation.

From the Senate,

WM. MOUNTJOY,
JOHN H. RUDD,
J. J. MARSHALL,
THO. D. CARNEAL,
P. BARRETT.

From the House of Representatives.

A. P. SANFORD,
S. GRIFFITH,
JOSEPH PATTERSON,
W. M'CLANAHAN,
JOHN BAKER,
STEPHEN THRASHER.

The committee of senators and representatives from the Branch Bank district of the Commonwealth at Bowling-green, beg leave respectfully to submit the subjoined report:

That after a diligent examination of the list of debtors and endorsers to that branch of the institution, they are of opinion, that the debts, with a very few exceptions, are well secured; that the loans have been generally distributed with a due regard to the necessities of the citizens who compose the bank district, and that the president and directors of that institution merit a continuance of the confidence reposed in them by the last legislature.

From the Senate,

CHARLES MOREHEAD,
ANAK DAWSON,

From the House of Representatives,

JAMES M. BLAKEY.
JOHN GODLEY.
PETER HANSBROUGH,
REUBEN EWING.,
LEANDER J. SHARP.
JOHN M. ROBERTSON,
JOHN HARALD.

The committee consisting of the senators and representatives from the counties composing the district of the Princeton Branch of the Commonwealth's Bank, have examined the situation of said branch, and beg leave to make the following report: That (so far as we can discover) the charter has been conformed to, and the debts well secured.

From the Senate,

YOUNG EWING.
CHITTENDEN LYON,
WM. WORTHINGTON.

From the House of Representatives,

H. M'RACKEN,
A. F. READ.
THOMAS BARNETT,
JOHN BERRY.
ABSALOM ASHBY,
B. W. PATTON,
EDWARD RUMSEY.

The senate received several messages from the house of representatives announcing the passage of a bill entitled

'an act to amend an act entitled an act regulating endorsements on executions,' and a resolution fixing on a day for an adjournment of the legislature; the passage of a bill from the senate to repeal the charter of the Bank of Kentucky, and a resolution rescinding the resolution fixing a day for the election of certain officers, and fixing on a day for said election—each with amendments.

The resolution fixing on the 7th of December for an adjournment of the legislature, was taken up and concurred in.

Ordered, That Mr. Faulkner inform the house of representatives thereof.

The amendment made to the resolution fixing on a day for the election of certain officers, was concurred in.

Ordered, That Mr. Beauchamp inform the house of representatives thereof.

A bill from the house of representatives establishing a ferry on the lands of James Riddle, was read the first time.

The rule being dispensed with, it was read a second time and committed to the committee for courts of justice.

On the motion of Mr. Marshall,

Ordered, That the committee to whom was referred a memorial from the stockholders of the Bank of Kentucky, be discharged from the further consideration thereof.

The senate received from the governor by the secretary of state, three written messages.

The senate took up the nominations made on the 25th inst. which were read as follows, to wit:

Gentlemen of the Senate,

Since the last session of the General Assembly of this commonwealth, sundry vacancies have taken place in the military department, which have been filled by appointments to expire with the present session of the general assembly.

I therefore nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour and their residence within the bounds of their respective commands, to wit:

Joseph Sallee, colonel of the 53d regiment, in the place of Adam Vickery, resigned, to take rank from the 13th day of June 1822.

Stockdon Dotson, lieutenant colonel of the same regiment, in the place of Joseph Sallee, if promoted, to take rank from the 13th day of June 1822.

Hial Butram, major of the same regiment, in the place of Stockdon Dotson, if promoted, to take rank from the 13th June 1822.

James Canady, colonel of the 74th regiment, in the place of Jesse Coffee, resigned, to take rank from the 13th of June 1822.

William Freeman, lieutenant colonel of the same regiment, in the place of James Canady, if promoted, to take rank from the 13th of June 1822.

Richard L. Smith, major of the same regiment, in the place of William Freeman, if promoted, to take rank from the 13th of June 1822.

John Berry, lieutenant colonel of the 34th regiment, in the place of Elixes Tipton, resigned, to take rank from the 13th of June 1822.

Aquilla Young, major of the 34th regiment, in the place of John Berry, if promoted, to take rank from the 13th of June 1822.

William Kennedy, lieutenant colonel of the 48th regiment, in the place of Samuel Perry, resigned, to take rank from the 2d of July 1822.

George M. Beall, major of the same regiment, in the place of William Kennedy, if promoted, to take rank from the 2d of July 1822.

William H. Floyd, lieutenant colonel of the 83d regiment, in the place of Hugh W. Robb, resigned, to take rank from the 5th of July 1822.

Josiah Jackson, major of the same regiment, in the place of Wm. H. Floyd, if promoted, to take rank from the 5th of July 1822.

Elijah Combs, brigadier general of the 18th brigade, in the place of David Hogan, resigned, to take rank from the 13th July 1822.

James G. Gates, colonel of the 93d regiment, in the place of John W. Shirley, resigned, to take rank from the 3d of August 1822.

Thomas Turk, lieutenant colonel of the same regiment, in the place of James G. Gates, if promoted, to take rank from the 3d of August 1822.

Joseph Nelson, major of the same regiment, in the place of Thomas Turk, if promoted, to take rank from the 3d of August 1822.

Samuel Fulton, brigadier general of the 25th brigade, in the place of Thomas Metcalf, promoted, to take rank from the 15th of August 1822.

Joshua Render, lieutenant colonel of the 49th regiment, in the place of Arthur Wallace, resigned, to take rank from the 15th day of August 1822.

Jesse Mosby, major of the same regiment, in the place of Joshua Render, if promoted, to take rank from the 15th of August 1822.

William G. Boyd, major of the 37th regiment, in the place of Nicholas Gasawy, resigned, to take rank from the 16th August 1822.

James Roberts, major of the 88th regiment, in the place of John Douthett, resigned, to take rank from the 16th of August 1822.

Leonard Stephens, colonel of the 105th regiment, in the place of Thomas Buckner, resigned, to take rank from the 5th of September 1822.

Cornelius W. Anderson, lieutenant colonel of the same regiment, in the place of Leonard Stephens, if promoted, to take rank from the 5th of September 1822.

Carter Hutchinson, major of the same regiment, in the place of Cornelius W. Anderson, if promoted, to take rank from the 5th of September 1822.

Blancet Shacklett, colonel of the 103d regiment, in the place of John Shacklett, resigned, to take rank from the 7th of September 1822.

James Brassfield, brigade inspector of the 5th brigade, in the place of Alexander S. Farrow, resigned, to take rank from the 7th of September 1822.

Edmund H. Taylor, quarter-master general of the Commonwealth of Kentucky, in the place of Richard Blanton, deceased, to take rank from the 9th of September 1822.

Smallwood L. Moreland, colonel of the 4th regiment, in the place of Peter Brown, resigned, to take rank from the 18th of September 1822.

William M. Beall, lieutenant colonel of the same regiment, in the place of John Cissell, resigned, to take rank from the 18th of September 1822.

Thomas Yates, major of the same regiment, in the place of Smallwood L. Moreland, if promoted, to take rank from the 18th of September 1822.

James Dudley, brigadier general of the 5th brigade, in the place of Samuel L. Williams, resigned, to take rank from the 25th of September 1822.

Since the commencement of the present session of the general assembly, sundry vacancies have taken place in the

military department. I therefore nominate to you, for your advice and consent, the following gentlemen to fill them, to be commissioned during good behaviour, and their residence within the bounds of their respective commands, to wit:

James Browning, colonel of the 21st regiment, in the place of Michael Graves, deceased.

John Riddle, lieutenant colonel of the same regiment, in the place of James Browning, if promoted.

Joseph Wingate, major of the same regiment, in the place of John Riddle, if promoted.

William Hogan, major of the 104th regiment, in the place of George Norton, resigned.

John R. Dickerson, colonel of the 109th regiment, stricken from the 96th regiment, late colonel of the same.

Richardson P. Hughes, lieutenant colonel of the 109th regiment, stricken off from the 96th regiment, and late lieutenant colonel of the same.

James Flippin, major of the 109th regiment, stricken off from the 96th regiment, and late major of the same.

William Marshall, colonel of the 25th regiment in the place of Solomon P. Sharp, removed.

Thomas H. Shannon, lieutenant colonel of the same regiment, in the place of William Marshall, if promoted.

John H. Clark, major of the same regiment, in the place of Wm. Kirby, resigned.

Johnson J. Cockrell, colonel of the 64th regiment, in the place of Eli Pitchford, resigned.

Thomas Sutton, lieutenant colonel of the same regiment, in the place of Johnson J. Cockrell, if promoted.

Raven S. Folbis, major of the same regiment, in the place of Thomas Sutton, if promoted.

Robert Reams, major of the 101st regiment, in the place of James Wilson, resigned.

Elijah M. Covington, major general of the 9th division, in the place of John E. King, resigned.

John Gorin, brigadier general of the 20th brigade, in the place of Elijah M. Covington, if promoted.

William B. Booker, brigade inspector of the 8th brigade, in the place of John Hughes, Jr. resigned.

JOHN ADAIR.

November 25th, 1822.

Resolved, That the senate advise and consent to said appointments, except to those of James Roberts, major of the

88th regiment, James R. Brassfield, brigade inspector of the 5th brigade, and Robert Reams, major of the 101st regiment.

Which were severally laid on the table.

Ordered. That Messrs. Ward and Williams inform the governor thereof.

A message from the governor was taken up and read as follows, to wit:

Gentlemen of the Senate,

and of the House of Representatives :

Within the last two years, extensive contracts have necessarily been made by the Keeper of the State Penitentiary, for the article of iron. Many of the convicts are lucratively employed in the manufacture of nails, and other commodities composed of the same metal, of simple execution and ready sale. To keep the individuals engaged in this branch of industry constantly employed, the successive Keepers have sometimes been compelled to purchase materials on credit; and in consequence of the slow sale of other articles manufactured in the institution, the whole proceeds of the sales of the most disposable articles, were found indispensable to support and keep the establishment in operation. While the manufactured articles on hand have gradually augmented to a very large amount, the increased debt, almost exclusively incurred in the purchase of iron, has amounted to a sum exceeding ten thousand dollars—the limit of the sum which by law the state may be in advance to the institution at any one time. It is therefore a fact, that while the manufactured articles on hand, abundantly prove that the ultimate means of payment far exceed the amount of debt due, the debts cannot be discharged with a becoming punctuality; its credit is impaired, and its future profit and utility curtailed.

Influenced by these considerations, and perceiving that the institution must be seriously embarrassed, unless the legislature will authorise the Keeper to anticipate a sum in payment from the treasury, not exceeding ten thousand dollars, I have thought it proper respectfully to invite your attention to the subject.

JOHN ADAIR.

November 28th, 1822.

Which was committed to messrs. Blackburn, Lackey, Marshall and White.

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On the motion of Mr. Ward, leave was given to bring in a bill to provide for the investiture of the surplus fund of militia fines in the 70th regiment; and messrs. Ward, Lacey and M'Afee, were appointed a committee to prepare and bring it in.

The amendments made by the house of representatives to the following bills, to wit:

A bill for the benefit of James Montgomery, John Lee and James Lacey, and a bill to repeal the charter of the Bank of Kentucky, were severally taken up and read.

That made to the former was concurred in; also those to the latter, with amendments.

Mr. Blackburn moved the following amendment upon concurring in those made to the latter bill, to wit:

The President and Directors of the Commonwealth's Bank or its branches, shall make no new loan after the passage of this, until the further order of the legislature: *Provided however*, that this act shall not prohibit the renewal of notes or the substitution of the note of one individual for another.

And the question being taken thereon, it was resolved in the negative—Yeas 15, Nays 18.

The yeas and nays being required thereon by Messrs. Beauchamp and Blackburn, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Bowman, Blackburn, Carpenter, Cowan, Davidson, Faulkner, Flournoy, J. L. Hickman, Howard, Lyson, Parker, Pope, Towles and Williams.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barrett, Beauchamp, Carneal, Dawson, Ewing, Gorin, Marshall, M'Afee, Miller, Mountjoy, Morehead, Owens, Rudd, Smith, Ward, White and Worthington.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

And then the senate adjourned.

FRIDAY, NOVEMBER 29, 1822.

The senate assembled.

The following bills were reported from the committees to whom they were referred, to wit:

By Mr. Blackburn from the committee for courts of justice—a bill from the house of representatives establishing a ferry on the land of James Riddle.

And by Mr. Faulkner—a bill for the benefit of the poor; each with amendments, which were concurred in.

The former was read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Ewing inform the house of representatives thereof.

The latter was ordered to be engrossed and read a third time.

The senate received information by Mr. Anderson, that the Governor did, on yesterday, approve and sign enrolled bills which originated in the senate, of the following titles, to wit:

An act confirming the sale of certain slaves late belonging to Lucy Keizer's heirs, and an act for the benefit of the children of John Courts, deceased.

Ordered, That Mr. Ewing inform the house of representatives thereof.

They also received by him a written message from the Governor, containing a nomination.

The following report of the committee appointed for that purpose, was made, to wit:

The committee composed of the senators and members of the house of representatives from the first judicial district, raised to examine the situation of the Branch Bank of the Bank of the Commonwealth of Kentucky located at Flemingsburg, have performed that duty, and find that the business of said bank has been done in a correct and economical manner, in pursuance of the spirit and policy of the charter of the institution, and that the debts due said bank are well secured.

From the Senate,

WINSLOW PARKER, JR.
JOHN H. RUDD.

From the House of Representatives,

JAMES CRAWFORD,
J. C. PICKETT,
BEN. DESHA,
JACOB A. SLACK,
F. SINGLETON,
THOMAS RUDD,
WM. B. O'BANNON.

Mr. Blackburn from the select committee appointed for that purpose, made the following report, to wit:

The committee to whom the communication of the executive was referred, calling the attention of the legislature to the subject of providing a mode for the payment of the

debts of the penitentiary institution, have had the same under consideration, and respectfully report:

That while they regret that the situation of the institution has made it necessary, in the opinion of the keepers thereof, to make large purchases upon credit, and thereby transcend the limit which is by law fixed to the amount that they shall draw from the treasury in advance; yet your committee do not believe it would be good policy either generally, or in this particular case, to enlarge the amount to be drawn from the treasury by that institution, but that the articles on hand had better be sold at a reduced price to meet the debts due therefrom. Therefore,

Resolved, That the law regulating the duties of the agent of the penitentiary, ought to be amended so as to forthwith authorise the sale of the articles now on hand, to pay the debts.

Which was concurred in, and said committee ordered to bring in a bill pursuant to said resolution.

The military nominations made on the 25th inst. were again taken up.

Resolved, That the senate advise and consent to the appointment of Robert Reams, major of the 101st regiment; James Roberts, major of the 88th regiment; and James R. Brassfield, brigade inspector of the 5th brigade.

The message of the Governor made on yesterday, was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, Silas W. Robbins, a Circuit Judge, in and for the Commonwealth of Kentucky, to preside in the 11th Judicial District, in the place of Wm. W. Blair, resigned.

JOHN ADAIR.

November 28th, 1822.

Resolved, That the senate advise and consent to said appointment.

Ordered, That messrs. White and Parker inform the Governor thereof.

A bill to amend the law concerning Caveats was read a second time and laid on the table until the first day of July next.

The following bills were reported, to wit:

By MR. Blackburn—1. a bill to improve the navigation of the Kentucky River; and 2. a bill to authorise the publishing of Term Reports.

By Mr. Ward—3. a bill to provide for the investment of the surplus funds of the 70th regiment.

And by Mr. Marshall—4. a bill to amend an act entitled an act to abolish imprisonment for debt and subject equitable interests to execution; which were severally read the first time.

The rule being dispensed with, the first, third and fourth bills were ordered to be engrossed and read a third time, and the third and fourth bills having been engrossed, were read a third time.

Resolved, That the third and fourth bills do pass, and that the titles be respectively, 'an act to provide for the investment of the surplus funds of the 70th regiment of Kentucky militia; and an act to amend an act entitled an act to abolish imprisonment for debt and subject equitable interests to execution.'

Ordered, That Mr. Ward inform the house of representatives thereof.

A bill to amend the law concerning limitations of actions, with the amendments, was taken up and the amendments concurred in, and the bill ordered to be re-engrossed and read again.

A bill to provide for the more speedy sale of articles manufactured in the penitentiary was taken up and committed to messrs. Towles, Pope and Ewing.

A bill to alter the mode of taking in lists of taxable property was taken up.

Mr. Pope moved to lay it on the table until the first day of June next.

And the question being taken thereon, it was resolved in the affirmative—Yeas 16, Nays 15.

The yeas and nays being required thereon by messrs. Howard and Lackey, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barbee, Beauchamp, Bowman, Carneal, Carpenter, Davidson, Dawson, Marshall, M'Atfee, Miller, Morehead, Pope, Smith, Towles and White.

Those who voted in the negative are: Messrs. Barrett, Blackburn, Cowan, Faulkner, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Mountjoy, Parker, Rudd, Ward, Williams and Worthington.

A resolution from the house of representatives, referring to joint committees the reports of the Bank of the Commonwealth and branches, was adopted.

Ordered, That Mr. Ewing inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit: 1. an act for the benefit of Andrew Turner and others; 2. an act for the benefit of Jailors and constables; 3. an act for the divorce of Rebecca Walker; 4. an act for the benefit of Augustus Haydon, were severally read the first time.

The rule being dispensed with, they were read a second and third times, the fourth having been amended at the clerk's table.

Resolved, That the said bills do pass, and that Mr. Ward inform the house of representatives thereof.

The senate received several messages from the house of representatives announcing that they had adopted a resolution from the senate for a division of the public printing; and appointed a committee on their part; that they had disagreed to a bill from the senate for the benefit of Charles Brandon and William Davis; and that they had passed bills of the following titles, to wit:

An act to extend the powers of the trustees of the town of Lexington.

An act for the benefit of John P. Thomas.

An act to authorise the sale of the real estate of Turner Bottom, deceased.

An act to alter the mode of summoning petit jurors.

And that they had receded from their disagreement to the amendments made by the senate to a bill for the benefit of Paris Union Lodge No. 16, and for other purposes.

An engrossed bill to authorise the sale of the real estate of John Williams, a lunatic, was committed to messrs. Ward, Lackey and J. L. Hickman.

Messrs. Blackburn, Ewing and Carpenter, were appointed a committee on the part of the senate, under a resolution for a division of the public printing.

Mr. Barbee moved the following resolution.

Resolved, That for the remainder of the session, the senate will meet at nine o'clock A. M.

And then the senate adjourned.

SATURDAY, NOVEMBER 30, 1822.

The senate assembled.

The senate took up a nomination from the Governor made on yesterday, which was read as follows, to wit:

Gentlemen of the Senate,

The time for which the present Sheriff of Harrison county was commissioned, being about to expire, and the county court of said county having failed to recommend to me a suitable person to succeed him, I therefore nominate to you, for your advice and consent, John Berry, as Sheriff of the county of Harrison, to continue in office during the term prescribed by the constitution; he being the senior justice of the peace in said county.

JOHN ADAIR.

November 29th. 1822.

Resolved, That the senate advise and consent to said appointment.

Ordered, That Messrs. Barrett and White inform the Governor thereof.

Mr. Ward presented the petition of sundry citizens of Greenup county, praying that Little Sandy River may be declared navigable to a certain extent.

Which was read and referred to Messrs. Ward, Gorin, Lackey and Carpenter with leave to report by bill or otherwise.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills and an enrolled resolution of the following titles, to wit:

An act for the benefit of James Woods.

An act to establish the county of Calloway.

An act for the benefit of the heirs of John Smith, deceased.

A resolution appointing a joint committee to examine the Bank of the Commonwealth of Kentucky.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolution.

Whereupon the Speaker of the senate signed them, and they were delivered to the joint committee to be laid before the governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. Owens read and laid on the table a joint resolution to permit William Littell to make notes to the acts of the present session.

The senate received from the house of representatives, several messages, announcing that they had concurred in the amendments made by the senate upon concurring in those made by the house of representatives to a bill to repeal the charter of the Bank of Kentucky; and the passage of a bill from the senate to establish an election precinct in the counties of Graves and Hickman, with an amendment; and that they had disagreed to a bill to establish the county of Lyon; that they had passed bills of the following titles, to wit:

An act providing for copying certain records in the surveyor's office of Fayette.

An act directing the county court of Garrard to purchase tools for the repair of the Kentucky cliff.

An act for the benefit of Joseph Hufford.

An act for the benefit of the wife and children of Lawrence Flournoy.

An act for the benefit of the infant heirs of James Shannon.

An act to increase the powers of the trustees of the town of Louisville.

An act for the benefit of the widow and heirs of Benjamin True.

Bills from the house of representative of the following titles, to wit: 1. an act for the benefit of Martin Beaty; 2. an act allowing additional justices of the peace in certain counties in this commonwealth; 3. an act for the benefit of the creditors of Jacob Anderson, deceased; 4. an act for the relief of Joseph Watts and the heirs of Daniel North; 5. an act for the benefit of the heirs of John Allen; 6. an act for the benefit of the widow and heirs of Leonard Robertson, deceased; 7. an act to amend the several acts concerning working on roads; 8. an act for the benefit of Jarmin Hukill and others; 9. an act for the benefit of the trustees of the town of Columbus; 10. an act for the benefit of Catherine Logsdon and others; 11. an act for the benefit of the heirs of John Edminton, deceased; 12. an act for the benefit of the widow and heirs of Edward Harris, deceased; 13. an act for the benefit of Nancy Templin, an idiot; were severally read the first time.

The rule being dispensed with, they were read a second time, the first and second amended at the clerk's table and read a third time.

Resolved, That the said bills do pass, and that the title of the first be, 'an act for the benefit of Martin Beaty and others,' and that the second be, 'an act allowing additional justices of the peace to certain counties,' and that Mr. Ward inform the house of representatives thereof.

The amendments made by the house of representatives to a bill to establish an election precinct in Hickman county were taken up and concurred in.

Ordered, That Mr. Lyon inform the house of representatives thereof.

The following bills were reported from the select committees to whom they were referred, to wit:

By Mr. Blackburn—1. a bill to increase the salary of the attorney general.

By Mr. Lackey—2. a bill to authorise the sale of the real estate of John Williams, a person of unsound mind.

By Mr. Ward—3. a bill to amend the law regulating civil proceedings.

By Mr. Towles—4. a bill to provide for the more speedy sale of articles manufactured in the Penitentiary; and 5. a bill to prevent the sending slaves and servants to other states as merchandize.

By Mr. Flournoy—6. a bill to provide for the admission of deeds and powers of attorney, in evidence in certain cases; with amendments to the first, third, fourth and fifth bills, which were concurred in; and the first, second, fourth and fifth bills ordered to be engrossed and read a third time.

The sixth bill was laid on the table until the first day of June next.

The first, second and fifth bills having been engrossed, were read a third time.

The question being taken on the passage of the first, it was resolved in the affirmative—Yeas 26, Nays 7.

The yeas and nays being required thereon by Messrs. Dawson and Ewing, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barbee, Barrett, Beauchamp, Blackburn, Carneal, Carpenter, Davidson, Ewing, Faulkner, Flournoy, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Marshall, M'Afee, Owens, Pope, Smith, Towles, Ward, White, Williams and Worthington.

Those who voted in the negative are : Messrs. Balingier, Cowan, Dawson, Miller, Mountjoy, Morehead and Parker.

Resolved. That the first second and fifth bills do pass, and that the titles be respectively, 'an act to prescribe the duties of the Attorney General, and to increase his and the Treasurers salary; an act to authorise the sale of the real estate of John Williams, a person of unsound mind; an act to prevent the removal of persons of colour who may be bound to service, from this commonwealth.'

Ordered. That Mr. Ward inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit: 1. an act to exempt certain property from execution; 2. an act for the benefit of Silas Payne and Sarah S. Payne, his wife; 3. an act to alter the terms of certain circuit courts; 4. an act changing the time of holding the Jefferson and Washington Circuit Courts, were severally read the first time.

The rule being dispensed with, they were read a second time.

Mr. J. L. Hickman moved to lay the first bill on the table until the first day of June next, and the question being taken thereon, it was resolved in the affirmative.

The third bill was committed to Messrs. Ward, Henderson, Blackburn and Parker, and the fourth to Messrs. Pope, Beauchamp and Carpenter.

On the motion of Mr. Carneal leave was given to bring in a bill to increase the wages of the members of the General Assembly; and Messrs. Carneal, Blackburn, Gorin and M'Afee, were appointed a committee to prepare and bring it in.

Mr. Carneal reported a bill which was read the first time.

The rule being dispensed with, it was read a second and third times, (having been engrossed.)

The question being taken on the passage thereof, it was resolved in the affirmative—Yeas 23, Nays 12.

The Yeas and Nays being required thereon by Messrs. Carpenter and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Balingier, Barbee, Barrett, Beauchamp, Bowman, Blackburn, Carneal, Cowan, Davidson, Dawson, Ewing, Faulkner, Gorin, Howard, Lackey, Marshall, M'Afee, Mountjoy, Pope, Towles, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Carpenter, Flournoy, J. L. Hickman, Lyon, Miller, Morehead, Owens, Parker, Rudd, Smith and Williams.

Resolved, That said bill do pass, and that the title be, 'an act to regulate the wages of the members of the general assembly,' and that Mr. Ewing inform the house of representatives thereof.

A bill to amend the judiciary system was laid on the table until the first day of July next.

A bill from the house of representatives for the benefit of William Lobb was read a third time.

Resolved, That the said bill do pass, and that Mr. M'Affee inform the house of representatives thereof.

The following bills were reported, to wit:

By Mr. Owens—a bill concerning fugitives from justice.

And by Mr. Blackburn—a bill to prevent the circulation of individual printed notes, which were read the first time.

The rule being dispensed with, the former was read a second time and committed to Messrs. Faulkner, Owens and Ward.

The Speaker laid before the senate the following communication, to wit:

FRANKFORT, Nov. 30th, 1822.

Sir:

WE have the honor to transmit to the Legislature, the enclosed Report, prepared in obedience to the requisition of the Act of Assembly establishing a Literary Fund, approved the 18th December 1821. This Report would have been submitted the first week of the present session, in conformity to the third section of that act, but for the unavoidable absence of some of the Commissioners, which has delayed its completion until the present time.

Respectfully, your obedient servants,

W. T. BARRY,
DAVID R. MURRAY,
J. R. WITHERSPOON,
JOHN POPE.

THE HONORABLE WILLIAM T. BARRY,
Speaker of the Senate.

THE Commissioners appointed by the General Assembly of Kentucky, at their October session 1821, to collect information and digest a plan of Schools of common education, suited to the condition of this State, and submit the same to the present Legislature, have attended to the duties imposed on them, and agreed on the following report :

In entering upon the performance of the honorable duties assigned them by the last general assembly, your commissioners have been deeply impressed with the difficulties of the task, and the important results which might be suspended on their investigations. On the one hand, the failure of the plan which might be sanctioned by their recommendation, would be attended by a waste of public money, and an entire depression of the fond hopes entertained by the legislature and the people of Kentucky ; on the other, its success would raise the poor and wretched from their low estate, promote public morals and religion, elevate the character of our state, and shed a benign influence on innumerable generations yet unborn. Stimulated by such fears and such hopes, your commissioners have had every motive to prompt their exertions, which could operate upon the bosom of the moralist, the patriot, or the philanthropist.

Aware that facts are preferable to theory, and that more reliance may be placed upon the experience of mankind, than upon the speculations of ingenious minds, we resolved to make ourselves acquainted, as far as practicable, with the systems of Common Schools which have been established in other States ; and in their failure or success, seek for that information which was to govern our recommendations to this legislature. Accordingly, as early as in May last, we caused to be prepared Circular Letters, to be addressed to distinguished and practical men of other States, for the purpose of eliciting from them the minute details, and a special history of their respective systems of Common Schools. To our Chairman, was particularly assigned the duty of managing this correspondence.

It seemed no less necessary, that your commissioners should be well apprized of the condition of education, and every minute circumstance relative to schools in their own State, for the purpose of enabling them to apply, with promise of success, the experience of other communities, to the actual circumstances of our own society. For this purpose, a Domestic Circular was also prepared, to be addressed to intelligent and public-spirited citizens in every neighborhood throughout the State, asking detailed infor-

mation relative to the establishment, the management, and the expence of common schools. To facilitate this operation, the State was divided into five districts, and to each of the commissioners was assigned the duty of collecting the requisite information in the district within which he resided.

Your commissioners regret the necessity of stating, that their efforts to collect information, have not been attended with that success which was desired and anticipated. Their Domestic Circulars have generally been totally disregarded. Many of their Foreign Circulars have shared the same fate; but, nevertheless, they have been able to collect a mass of information from other States, which throws much light on this interesting subject, and has aided them materially in forming the conclusions at which they have arrived.

To enable the legislature and the country to determine on the accuracy of their deductions, they here present, in a condensed form, the substance of the information which they have received, earnestly recommending it to the serious consideration of every man who values practical equality and the long continuance of our free institutions.

It is believed, that all the New-England States, except Rhode Island, have systems of Common Schools, which are open and free to every class of citizens; and throughout that whole section of the Union, it is rare indeed to meet with a young man or woman who has not a knowledge of reading, writing and arithmetic, competent to all the common business of life. Of the details of these systems, little has been ascertained, except those which exist in the States of Massachusetts and Connecticut.

The state of Massachusetts is divided into large counties, which are subdivided into townships of various dimensions. The townships are also divided into School Districts, the size of which depends on the denseness of the population. Each township is, for many purposes, a little republic within itself, possessing many of the powers of self government. Among those powers, one of the most important is, that of raising money, by an *ad valorem* tax, for the support of schools. It is exercised by the legal voters of the township, assembled in town meeting. Each man has a right to propose the sum which to him may seem expedient; the vote is taken upon the highest first, and so on, until some particular sum obtains the assent of a majority. The amount so voted is assessed upon the property of the town-

ship, and collected like other taxes. It is apportioned among the several school districts, in proportion to the number of children to be educated in each, and paid over to the Trustee of the district. The Trustee is an officer chosen by the people of each district, in public meeting at their school-house; and it is his duty to receive the money, hire teachers, and superintend all the details of the school. The sum expended in each district, varies, according to the wealth and liberality of the township, or the number of children in the district; but there is no spot, throughout the State, from which a school is not accessible from six weeks to four months in the winter season, and from two to five months in the summer season. The winter schools are taught by men, and are attended by boys and girls of all ages, from infancy to mature age. The summer schools are taught by ladies, and are attended by girls and young children of both sexes. In the winter schools, are taught reading, writing, arithmetic, English Grammar and geography; in the summer schools, generally, reading and writing. The wages of a winter Teacher, are from twelve to twenty five dollars per month, according to the wealth of the district and the reputation of the teacher; but the average price is about eighteen dollars, together with their board. The summer teachers receive about nine or ten dollars per month, together with their board. This system is admirable for its simplicity, its cheapness, and its efficacy. It has no complicated machinery to embarrass its operations; its cost is not two dollars per scholar for six months' tuition; and it reaches and blesses with at least the most useful parts of knowledge, every child in the community, rich or poor.

As we travel southerly, Connecticut presents us with another system of Free Schools, founded on different principles, but equally efficient and extensive. That State has a School Fund, amounting to about \$1,600,000, the interest of which is annually applied to the support of common schools. To this sum is added an amount equal to two dollars on every one thousand dollars of the lists of taxable property throughout the State, drawn from the public treasury. The State is divided into School Societies, which include the inhabitants living within the limits of the ecclesiastical societies or parishes. These Societies have power to appoint a Committee, Treasurer and Clerk; to lay taxes on themselves, by a majority of votes, for the purpose of building and repairing school-houses, and supporting

schools. They also have power to establish School Districts within their respective limits, and to appoint one individual as a committee in each district, whose business it is to employ an Instructor, and manage the concerns of the district. The districts also have the power to choose a Clerk and Treasurer, and to tax themselves for the purpose of building or repairing their school house, and furnishing it with the necessary appendages and furniture. They have also power to appoint the necessary officers for managing their affairs, make rules relative to the school house, &c. and enforce their observance, by excluding from school the children of those who refuse compliance with them. Visitors or Overseers of Schools are appointed by the School Societies, to visit the schools at least twice during each term, and examine into the progress which the scholars have made in the several branches of learning. No person is permitted to teach school within the Society, unless he first obtain a certificate of qualification from the Visitors. Each Society has the power, by a vote of the majority, to establish a school of a higher order, the object of which is to instruct the youth of the Society in English Grammar, composition, geography and the learned languages. The school money is distributed among the several School Societies and Districts, in proportion to the number of persons residing within each, between the ages of four and sixteen years. To ascertain this number, the committee of each district annually makes return to the committee of the Society, of the names of all such persons; and the aggregate amount being returned to the Comptroller, an officer similar to our Auditor, he issues an order on the treasury for a due proportion of the public money, which is drawn by the Committee of the Society, and paid over to its Treasurer. The money so drawn is paid exclusively towards the wages and board of teachers. If the school money received by each district is not sufficient to pay the teacher and his board, the balance is assessed upon those who have sent their children to school, in proportion to the number of days each scholar has attended; or, in case that cannot be ascertained, in proportion to the number of children sent by each. Thus, by the interest of the School Fund, by a state tax of two dollars on one thousand, by a voluntary tax laid by the school societies on themselves, and, in case all these sources be not sufficient, by an assessment upon the parents of children sent to school, are raised the moneys which support a general system of Common Schools throughout the State.

of Connecticut. Though more complicated in its machinery, its effects are known to be not less beneficial or extensive, than those of the more simple system of Massachusetts. The Connecticut system originated more than 150 years ago, and having undergone a variety of modifications, has become an example for other States, and the admiration of the Union.

New York seems to have borrowed her system in a great measure, from her sister state, Connecticut. There is, however, this difference in the origin of the two systems, and the means by which they were brought into existence. In Connecticut, it was a voluntary movement of the people, uninfluenced by any appropriation from the public treasury; for the school fund originated since the adoption of the Federal constitution, and came in aid of a pre-existing system; whereas, in New York, the establishment of the school fund preceded the system, and has been used as the principal agent in extending it so generally through that extensive and powerful state. The school fund of this great state, amounts to upwards of \$1,600,000; from the interest of which, \$80,000 is annually appropriated to the support of common schools. This sum is distributed among the several counties and townships in proportion to their population by the latest census. The Supervisors of the counties are required by law to levy on their several counties, a tax, the proceeds of which, after paying all the expences of collection, will amount to a sum equal to that received for the use of such county from the proceeds of the general fund. This tax, added to the public appropriations, makes annually, an aggregate amounting to \$160,000. The people of each township, in town meeting assembled, are authorised to raise, by a voluntary tax, a sum not exceeding the amount levied upon such township by the supervisors of the county for the support of schools. If all the townships were to exercise this power, the money so raised, added to the foregoing sum, would make a total of \$240,000. If the money raised from all these sources be not sufficient to pay the wages of the teacher, the balance is levied upon the parents whose children attend the school, excepting those whose poverty renders them unable to pay their due proportion. Fuel is furnished in the same manner. The officers employed in the execution of this system, are, a superintendent appointed by the governor and council, the supervisors of counties and their clerks, the county clerks and treasurers, the townships in town meet.

ing, commissioners, inspectors and collectors chosen by the townships, town clerks, the school districts in district meeting, a district clerk, three trustees, a treasurer and collector, chosen by the districts. The superintendent apportions the public appropriation among the several counties and townships, and on his certificate to the comptroller, the latter issues his warrant for the amount due to each county, in favor of the county treasurer, by whom it is paid over to the commissioners in each township, and by them apportioned among the several districts in proportion to the children in each, between the ages of five and fifteen years, and paid over to the trustees thereof, by whom it is ultimately paid to teachers for their wages. The county and township taxes are collected by the township collectors and by them paid over to the commissioners, and by them distributed to the trustees of districts. School Districts have also power to levy taxes for building and repairing school houses, which are collected by district collectors and paid over to the trustees. The commissioners may form and alter districts, and hold property for the use of schools. The trustees manage the affairs of the district under the direction of the district meetings; build school houses, employ teachers, hold property as a body corporate for the use of the school, &c. &c. The trustees report to the commissioners, the commissioners to the county clerks, the county clerks to the superintendent and the superintendent to the legislature. It is the duty of the inspectors to examine those who apply for schools, and if they find them qualified, certify accordingly; visit the several schools, examine the improvement of the children and make suggestions to the teachers and trustees.

Though this system appears to be somewhat complicated, it has produced wonderful results. No district in which a school is not taught by a regular teacher, for at least three months in the year, is entitled to receive any portion of the public money, which has operated as a powerful inducement to augment the number of schools and increase their annual duration. Through the regular chain of office and responsibility, the legislature is annually apprised of the amount of money expended, the number of schools organized, and of children taught, and the number of months that schools have been maintained in each district. The following facts, stated in the last report of the superintendent, exhibit the rapid improvement of this system:

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In the year 1819	210,316 children were taught.
1820	271,887.
1821	304,559.
1822	332,979.

The whole number of children reported for the year 1822, between the ages of five and fifteen years, is 349,258. The average number of months that these schools are taught, is about eight in the year. The whole number receiving education in all the schools, seminaries and colleges in the state, is estimated at 375,000, or more than one fourth of the whole population. Well may the superintendent say, "a system which produces results so honorable to our legislators, and so favorable to the rights, interests and future prosperity of our country, cannot fail, if continued, to give additional strength and stability to our republican forms of government, to diffuse more widely the blessings of rational freedom, and to perpetuate the civil and religious privileges we enjoy."

Travelling still to the South, we pass over the intermediate states, as affording nothing calculated to increase our stock of useful information, and come to our venerable parent state. For several years past, Virginia has appropriated \$45,000 annually for the education of poor children. Mr. Jefferson tells us, the plan is becoming completely abortive and must be abandoned. "If, says he, a single boy has received the elements of common education, it must be in some part of the country not known to me." The capital error of her system, appears to consist in attempting to provide for the education of poor children only, instead of adopting a broad and comprehensive system which should embrace in its liberal scope, every class of the community. Her experience leads to the conclusion, that all efforts to establish schools exclusively for the education of the poor, will end in a waste of public funds and a depression of spirits in that class of the community, proportioned to the elevation of their blasted hopes. Her failure is not barren of instruction. It is a beacon that warns us what to shun, while the success of other states inspires a confident faith, that she has missed the object to which she aspired; not because it is unattainable, but from the errors of the course in which it has been pursued.

This conclusion is strengthened by the fact, that South Carolina, with a population and character similar to those of Virginia, has introduced a system of common schools which has been attended with the most flattering success.

Her system varies materially from those either of Massachusetts, Connecticut or New-York; but in its practical results, it affords no evidences of superiority. The original object appears to have been, the establishment of schools, at the public expence, exclusively for the education of poor children; but so far as attempts have been made on this principle, they have, as in Virginia, proved entirely abortive. The only effectual means of accomplishing the education of the poor, has been found to be, to assist the rich in establishing and supporting schools, into which the children of the poor are admitted free of charge. From the public treasury there is an annual appropriation of \$40,000, which is apportioned according to the representation in the popular branch of the legislature. To each election district, the sum of three hundred dollars for each representative sent therefrom, is distributed, and a commissioner is appointed in each, whose duty it is to draw the money, procure and dismiss teachers, fix the site of schools, decide on the admission of poor children, superintend all the details of the system, and report annually to the legislative body, setting forth the number instructed at the public charge and the expence of their education. The average number annually taught by means of the appropriation for the support of schools, is about seven thousand, and the average cost of each child is about six dollars. In some districts, it is twelve or thirteen, and in others not more than two or three, according to the talents and management of the commissioners. The mode of applying the public money with the greatest effect is found to be in assisting neighborhoods to establish schools, to which a certain number of poor children are admitted free of charge. Schools are thus made accessible to a greater number of the indigent, and the cost of their instruction is materially diminished.

There are several other systems of common schools which are in successful operation among the eastern states, and are widely extending the blessings of a common education. In Vermont, New-Hampshire and Maine, they are supported wholly by voluntary taxation, and are fully accomplishing the brightest hopes of their founders and friends. Others of the middle and southern states, have made feeble efforts for the establishment of Common Schools, which have generally been rendered abortive through want of a well digested and efficient system. At their last session, the legislature of Ohio appointed commissioners to prepare a system for that state, and Mississippi at this early stage

of her existence, has taken measures to establish a permanent School Fund. No sentiment is more general or more incontrovertible, than that "intelligence is the life of liberty," and that social comfort, power, and wealth, and fame are its invariable attendants. Hence, statesmen and patriots, in every section of the Union, are employing their time and their talents, in devising means to diffuse useful knowledge to every class of our free population.

The Congress of the Union, not less than the state legislatures, have ever been alive to this great and primary interest. In all new states formed out of the public domain, ample reservations of public lands are forever set apart for the support of colleges and schools; and it redounds much to the honor of the Union, that she has made provision for educating those of her children, who, through innumerable privations, seek for comfort and wealth in the midst of her forests. In a moral, as well as physical sense, "the wilderness will blossom as the rose."

Of the several systems of schools, the outlines of which we have here delineated, that of Massachusetts is believed to be the cheapest, if not the most efficient. There is not one salary officer in the whole system. Every dollar raised is appropriated to the support of schools. The average expence per child for full twelve months tuition, is believed to be less than four dollars. In efficiency, it is all that is desirable; for there is not a spot in the state from which a school is not accessible and open to children of every description. The system of Connecticut is more complicated, probably more expensive, but not less general or efficient. In the system of New York, there is still more machinery, and on examining its details, the success which has attended it, is a matter of wonder, and must excite a high admiration at the energy and public spirit with which this important object has been pursued. We have no data by which the cost of tuition either in that state or Connecticut can be ascertained; but from the nature of their systems, it is supposed, that it must be somewhat greater than in Massachusetts. The amount appropriated from the proceeds of the School Fund in New York affords but about 27 cents per year to each child actually taught, which proves how much a state with small means can accomplish by system and energy. This, added to the county tax, gives about 54 cents for each child, and operates as an inducement upon the townships and individuals to raise the balance necessary to give effect to the system. No town-

ship which does not organize School Districts, receives any part of the public money, and no district which does not support a school for at least three months in each year, can receive its due proportion. To these inducements, thus wisely contrived, may be attributed the rapid increase of organized schools in that great and powerful state. We have seen, that the efforts of Virginia are proving abortive, and that her appropriation for schools, is almost literally wasted. The system of South Carolina is more simple than those of Connecticut and New-York, and perhaps even that of Massachusetts; and probably from the nature of the population or the absence of interest and responsibility in the commissioners, more expensive than either of them. The instruction of each poor child taught by means of the public fund, is full six dollars per year, or at least fifty per cent higher than in Massachusetts. That this difference is not wholly attributable to the difference of habits or population, is proved by the fact, that in those sections of the country where the commissioners have managed the public money vested in their hands to the best advantage, the instruction of poor children has not cost more than in the cheapest schools in New-England. One strong recommendation of this system is, that there is not one officer in it who receives compensation from the School Money; but the whole is exclusively employed for the purposes of education.

From a full consideration of all these systems, your commissioners have come to the conclusion, that, wherever it is practicable, Common Schools, open and free to every description of children, are most consonant to the principles of our institutions and produce the most beneficial effects on the minds of the rising generation. It is a system of *practical equality*, in which the children of the rich and poor, meet upon a perfect level, and the only superiority is that of mind. Where this system is impracticable, the next in excellence is that in which the public bounty is used to aid the rich in establishing schools, to which the children of the poor are admitted free of charge. This feature may be found in the system of South Carolina and New-York, and there is a trace of it even in Connecticut. This mode of admitting the children of the poor, exposes them to the mortification of being considered and treated as an inferior cast; but as it enables them to rise from the humble condition in which birth or misfortune has placed them, it is far preferable to total occlusion from the means of instruction.

Though they may be taunted at school for the poverty of their parents, they are enabled to attain an elevation of mind by which they may far outstrip their rich competitors in the honors and distinctions of life. But every appropriation for the benefit of the poor, by the establishment of schools for their exclusive instruction, has ever been found wasteful of public money and wholly inefficient. To be separated from the rest of the community as a distinct and inferior cast, and held out to the world as the objects of public charity, is a degradation too humiliating for the pride of freemen. But this is not the only cause which will ever lead to the failure of a system founded on these principles. To give effect to any scheme, it is necessary that its managers should feel some particular interest in its success. It is not from the ignorant and indigent that the managers of public institutions are ever selected. The application of funds exclusively devoted to the education of the poor, will always be vested in the hands of men who are stimulated to a judicious discharge of their duties, by no motives except benevolence and philanthropy. There are few who feel these impulses with sufficient force to impel them to devote their thoughts and their time to plans of improvement and public instruction, from which neither they nor their offspring can derive any immediate advantage. Hence the funds appropriated for the instruction of the poor are wastefully or improperly applied, and the delightful theories of benevolent minds rendered vain and illusory. The true secret which gives success to the systems of education in Massachusetts, Connecticut, New-York and South Carolina, is not so much public good as private interest. When the managers of a well digested system and the community at large, are interested in its success, it will be successful. Thus in South Carolina, it is only by expending the appropriation for the benefit of the poor in such a way as to promote the interest of the rich, that the benevolent objects of the legislature are in any measure accomplished. These are not only the deductions of reason, but the results of unerring experience.

It now remains for us to consider the condition of education in Kentucky, and suggest such a system of Common Schools as may be recommended by the experience of other states and is adapted to our peculiar situation. Of the University and Colleges, it is not necessary for us to speak, because they are not directly connected with our object. The County Seminaries are the only institutions, endowed

by government, in which are taught the elements of common education. At various periods from 1798, to 1820, laws were enacted enabling the county courts in the several counties, to locate 6000 acres of vacant land, for the establishment and support of a Seminary of Learning, at the court house in each county. By a variety of legislative acts, portions of those lands have been permitted to be sold and the proceeds expended in the erection of buildings and other objects necessary to the establishment of the contemplated schools. By an act of 1815, the Trustees of the Seminaries were authorised to sell all their lands and vest the proceeds in the stock of the Bank of Kentucky, the dividends of which were to be employed in the purchase of more stock, until the annual profit should amount to one thousand dollars, when they were to be applied to the uses of the respective Seminaries. But in some cases, from the scarcity of good lands, no fund has been obtained competent, in the smallest degree, to aid the progress of education; and in others, through the negligence of the Trustees and the arts of speculators, these lands have been covered with other claims and almost irretrievably embarrassed. On the whole, but few counties have been benefited by the liberality of the state, and education has not received that aid and impulse which were intended and anticipated. But the legislature, still mindful of the importance of a diffusion of knowledge, gave further aid to these institutions by appropriating to their use, all fines and forfeitures collected in their respective counties. In some counties there are no organized Seminaries; in others, from the complicated nature of the present laws, no efficient efforts have been made to realise this fund; but in others, with this auxiliary to their former means, the County Seminaries are fast rising to usefulness and eminence. But these institutions, however flourishing and however useful, fall far short of the wishes of the philanthropist and the designs of the last General Assembly. Their benefits are confined to the children of the towns and those in the country whose parents have the means of boarding them in town at a high price; but all poor children and all those whose parents possess but a moderate share of property, are unavoidably excluded. We would not recommend that the County Seminaries should be abolished or deprived of any portion of the funds which they now possess. On the contrary, they should be preserved and their success promoted by all practicable means, because they are an important and essential link in the chain of

education, connecting the Common Schools with the higher institutions, and affording advantages to multitudes who have not the means necessary to support their children for three or four years at our University or Colleges. For these reasons, and because they will constitute the sources whence the Common Schools must chiefly derive their teachers, they ought to be religiously preserved, and their interests and prosperity carefully promoted. But the interest of the country requires something more. It requires, that Common Schools shall be established in the vicinity of those who cannot support their children at the County Seminaries. To save expence, to preserve the morals of children by keeping them at home under the eyes of their parents, to bring the means of education into every neighborhood, and within the reach of most, if not all of the rising generation, are the grand objects which commanded the attention of the last legislature, and deserve the most serious consideration.

Is it practicable? The experience of other states proclaims that it is. Is there any thing to defeat it in the sparseness of our population? It is true, the light of knowledge cannot be made to shine upon every hunter's cabin in the dells of our mountains; but there is no considerable neighborhood which may not be illumined by its benignant rays. Much of the States of Maine, New Hampshire, Vermont, New York and South Carolina, are as thinly peopled as many parts of Kentucky. Yet, they have systems of Common Schools which reach and bless even these distant and scattered settlements. The population of our hilly counties is not spread over the cliffs and mountains as in some of those states; but is generally clustered along the banks of the rivers and creeks, so that there are few indeed in the vicinity of whom, a respectable school might not be maintained. Where several and distant neighborhoods are comprised in the same district, the school might shift from one to another, and by an accommodating spirit among the people, a large portion of the children might follow the school, the parents boarding in turn the children of each other. But an immense majority of our population might be accommodated by stationary schools within a reasonable distance of their dwellings.

Is there any thing in the existence or effects of slavery unfavorable to the introduction of a system of Common Schools? It cannot be denied, that the holder of wide domains, cultivated by numerous slaves, wallowing in luxury

and stimulated by the pride of authority, is not calculated to submit with cheerfulness to those neighborhood regulations, which, in the establishment of free schools, place his children on a level with those of the humblest cottager. But happily, there is not in Kentucky, that great inequality of wealth which can form any serious objection to the proposed system. There is one fact which furnishes a conclusive answer to every objection drawn from this source. It is the success of South Carolina. The disparity of wealth, and the pride of mastery are by far more conspicuous in that state than among the people of Kentucky. If she has succeeded in introducing a system of Common Schools in which both the children of the rich and the poor meet and are educated, what shall prevent the establishment and success of a system in Kentucky, where slavery exercises a milder and less extensive influence?

But there is a conclusive argument in favor of the practicability of a system, drawn from a fact of every day occurrence and observation among ourselves. Common Schools are now occasionally supported in almost every neighborhood throughout the state. If they can be supported, as they actually are, *without* system, is it not absurd to pretend, that they cannot be supported *with* system? Who will hazard his reputation in contending that a thing is impossible which every day occurs; or in asserting, that system will not facilitate and cheapen that, which is now done by every neighborhood without system?

If a system be practicable, is it politic? By our domestic circulars, your commissioners entertained a confident expectation of collecting such information as would enable them to form an accurate estimate of the expense of common education to our citizens in the present absence of system, as well as of the number of children who are growing up without any means of instruction whatever. As we have failed in our expectation, we are compelled to appeal to facts within our own knowledge, and that of the members of the general assembly. We have shown, that in Massachusetts the average expence of educating one child for twelve months, is scarcely four dollars, and in South Carolina about six. Is there a section of Kentucky, in which full twelve months' schooling, by a competent teacher, can be had for four dollars, or even six? - Every man must answer in the negative. For want of good schools, private families frequently employ teachers at \$300 to \$500 per year, with their board, for the purpose of obtaining instruc-

tion for four or five children. In these cases the tuition of each child costs about one hundred dollars; enough to purchase the instruction of twenty five children, at the price paid in Massachusetts, and fifteen, at the price paid in South Carolina. In other cases, parents are compelled to board their children in town, for the purpose of obtaining the elements of education, at an expence of at least one hundred dollars per year. The price of tuition at schools in town, is from 12 to 50 dollars per year, according to the course of studies pursued; at the least price, enough to instruct three children in Massachusetts, and two in South Carolina; and, at the greatest, enough to instruct twelve in the former, and eight in the latter. In the country, the price of tuition is cheaper; but, it is believed, it will not average at a less rate than ten dollars for twelve months' instruction, or enough to pay for two children and a half in Massachusetts, and one and two thirds in South Carolina. On the whole, it may be fairly estimated, that the average price of tuition, throughout the state, including towns and country, is about twelve dollars for twelve months, or three times the average in Massachusetts, and twice the average in South Carolina. Why this disparity? They have *systems*, and we have *none*.

The town of Frankfort contains less than one thousand whites, and pays about two thousand dollars per year for the support of schools. The average number of children who attend school, is probably less than 100, out of about 170 which the town contains. There are many who, on account of the high price of tuition, and the poverty of their parents, are growing up in entire ignorance, or at most with very little instruction.

President Adams informs us, that the town of Quincy contains about 1,400 souls, and pays, for the support of schools, about \$1,700. With this sum are maintained, a central school, in which are taught from one to two hundred boys and girls, and four or five other schools, taught by women in different parts of the town, and attended by young children. The whole number of children there instructed must be from three to four hundred. Thus, a less sum of money is paid in Quincy than in Frankfort, yet there are at least three times as many children taught in the former as in the latter.

With these facts before them, your commissioners are led to the conclusion, that the rich in Kentucky now pay a sum for the support of schools, which, if it were applied un-

der an efficient system, would be competent to educate every child in the state, without the aid of the public treasury. The children of the rich are educated at an expence which might be made, at the same time, to educate those of their indigent neighbors. Circumstances forbid, that we should expect education in Kentucky at so cheap a rate as it is obtained in Massachusetts; but there is nothing which should render it more expensive to us, than to the people of South-Carolina. In the latter State, the average cost is about six dollars; in this State, it is about twelve. If, therefore, we had a system no more perfect than that of Carolina, the money which now educates one child would pay for the education of two. Undoubtedly, more than half the children raised in this State are instructed at common schools in the elements of knowledge; and, from the foregoing premises, it evidently follows, that the money paid for their instruction would be sufficient, even under an imperfect system, to extend the same degree of knowledge to all the children of their neighborhood. Ought the rich to complain of the introduction of a system of schools, when it can be proved to demonstration, that it will not increase their burdens? Can they lament the adoption of measures calculated to make their pecuniary contributions more extensively useful? Will they grudge to the children of the poor, "the crumbs which fall from their tables"? Is there a spirit among us, which would deny to those who are groping in moral darkness, and perishing with thirst for knowledge, that charity which costs us nothing? Your commissioners cannot believe they have to combat a spirit so contracted and illiberal; and hence, they cannot anticipate any objections to the introduction of a system of schools, from those who are now under the necessity of purchasing instruction for their own children. No; they will hail with rapture the progress of that plan which promises, not to make the hand of taxation bear more heavily upon them, but to extend the benefits which flow from their present contributions.

If, as we have endeavored to show, the money now paid by the rich is sufficient to support a system of schools which shall embrace in the arms of its benevolence, all the children of the poor, it becomes their interest, even in a pecuniary point of view, to promote the objects of the last legislature. The sum now paid by them being competent to the support of the proposed system, it follows, that public appropriations for the support of schools must necessarily lessen the amount they now have to pay. Were schools supported wholly

from the treasury, it would not only extend instruction to the poor, but relieve the rich from all contributions, at least directly, for the education of their own children. As the money now paid by them is sufficient to support the proposed system, it is evident, that all public appropriations, with the same objects, must lighten their burdens. Thus, if the School Fund yield \$50,000 annually, it will diminish the amount now paid by the rich for the education of their own children, to that amount. In a pecuniary view, therefore, the rich will be benefited by the introduction of a system of schools; and its advantages to the poor, and the State at large, are wholly incalculable.

But pecuniary advantages are but paltry and grovelling considerations, when compared with the moral and intellectual improvement which would follow in the train of a well digested system of common education. There is no check upon the aristocracy of wealth, so effectual as the equality of knowledge. A people well educated, will never be the slaves of tyrants, or the tools of demagogues. Those who have aimed to subvert the liberties, or abuse the confidence of a free people, have approached them through their ignorance. When the bloody Morillo overran the fair province of New Grenada, the course he took to exterminate the seeds of liberty, and crush the germ of revolution, was to put to death every man who could read and write. The rest, he wisely thought, would be tame slaves. To discourage schools and check the progress of knowledge, is one object with the members of that combination against mankind, called the Holy Alliance. The principles and acts of these men are, to republicans, a most impressive lesson. If tyrants are so well aware that ignorance is the foundation of their power, with what zeal and perseverance ought the friends of liberty to promote the increase and extension of knowledge! It is the prop which sustains free institutions, and the lever which overturns the oppressor's throne. Happily, we are not laboring to undermine a fabric of despotism; but to remove the rock on which tyrants build. It was not Cæsar that overturned the liberties of Rome—it was ignorance. It was not Napoleon that made France a despotism—it was ignorance. It is not the Holy Allies that keep Europe in bondage—it is ignorance. Knowledge maintains there a silent warfare, which now and then bursts forth in open revolution. In Spain, in Naples, in brave deserted Greece, she lifts her voice and calls upon Europe to shake off the incubus which oppresses the mind and en-

gies of man ; but seas of blood must yet be waded, before she assumes her legitimate empire over the affairs of nations. Even on American soil, bordering on our own happy country, ambition has found this broad rock, and is attempting to erect thereon a despotism more terrible than that of the wretched Montezuma. While monarchs and usurpers understand and pursue their own interest, by extinguishing the lamp of knowledge, and punishing with death the free expression of opinion, let us not be blind to the means of preserving and perpetuating our own liberties. Bind the minds of men in chains of ignorance, and it requires but a moderate portion of art and talents to enslave their bodies. Wherever these chains exist, let us break them. Let us wage on the citadel of ignorance a perpetual and exterminating war. Let us remove every fragment upon which ambition can seize, to erect his gloomy edifice. It is the first of our political duties—we owe it to our principles, to our institutions, to our posterity, and to mankind.

That knowledge is power, is an axiom too generally admitted, to require demonstration. Its truth is equally obvious, whether in reference to persons or to communities. Who possesses the greatest influence over the minds, and consequently over the actions and fortunes of his fellow-men ? It is not the man of exorbitant wealth ; but it is he, who with integrity of character, unites the most intelligent mind. To him, the ignorant look up for instruction and example, submitting to his opinions and direction, with the consciousness of inferiority. The demagogue abuses this confidence for sinister purposes, and the tyrant makes use of it to place his foot upon the necks of his credulous fellow-mortals. All minds cannot be made equal in intelligence ; for nature has endowed them with different capabilities of improvement. But in proportion as the minds of the people are enlightened, they approximate real equality, and are enabled to discover and defeat the arts of demagogues, and the designs of tyrants. Instead of looking abroad for counsel and direction, the mind relies upon its own resources ; the character of the man is elevated ; he becomes independent in reality, as well as in name, and appreciates the value of that liberty, of which before he had only made a senseless boast. How changed would be the face of things, were the avenues to knowledge open and free to the whole community ! How many minds, of diamond brilliancy, would be brought from the pit of indigence, to sparkle on the brow of society ! It is now a con-

solation to the poor father and mother, that, politically, their offspring have power to rise to the highest offices in the state; but what would be their affection for republican institutions, could they see their country, with a benignant hand, bestowing that mental wealth, which would enable their children to enter, with the sons of the rich, the bright path of usefulness and honor! The rainbow of hope would encircle the abode of wretchedness, and the path to the grave would be strewn with flowers. Irretrievable, hopeless degradation would forever cease; and the aged parent, who had been struggling through life to elevate his family to an honorable rank in society, would feel his youth renewed in the expanding mind and opening prospects of his rising children. Where there are schools open to the poor, this picture is often realized. Their children become the most eminent and useful men, the brightest ornaments of society; and in the race of honorable promotion, far outstrip the pampered sons of wealth and luxury. To the republican, the means which thus elevate one half of society, and in a great degree counteract the disparity of wealth, and restore man's natural equality, cannot be indifferent. The improvement of morals, the subjection of appetites and passions, and the increase of enjoyment, which spring from education, make it not less interesting to the moralist, the philanthropist, and the Christian.

In the increase of individual power, and the elevation of individual character, consist the increase of the power and the elevation of the character of that society of which they form the constituent parts. If, at the present moment, every man in Kentucky were well educated, what would be her relative standing among surrounding communities? As ignorant men apply for instruction to their more intelligent neighbors, so would surrounding states look to Kentucky for example and instruction. It would give us a superiority, more useful, more honorable, and more permanent, than the yoke of the conqueror, or the authority of the despot. It would be a superiority of moral power, which resists the force of armies, and conquers the conqueror. The arms of Rome achieved the conquest of Greece; but Rome herself bowed to the dominion of Grecian Literature. As we would elevate our individual character, and increase the circle of our own influence, so it becomes us to elevate the character and enlarge the influence of our State. We are placed in the centre of the Western States. Should the communities which surround us neglect the interests of

learning, it is within our power to give Kentucky an ascendancy of influence, which may produce incalculable benefits to her, without inflicting upon them the semblance of an injury. But should they listen to the dictates of a sound policy, and introduce systems of general education, it will be no less important that Kentucky should adopt the means of preserving her present equality.

In fine, the legislature and people of Kentucky are encouraged and stimulated by every motive which can touch their interest or their pride, to attempt the introduction of a system of schools, which shall dispel the ignorance that enshrouds a considerable portion of the rising generation. They are encouraged to it by the success of other States, and the condition of our own; they are stimulated by the interest of the rich and the poor—by humanity, morality, religion, patriotism, the prospect of elevating the individual character of our citizens, and giving Kentucky a proud and elevated stand among the States of the Union. In splendor of talents she is not second to the proudest of the American Republics; let her excel them in the wisdom and intelligence of her people.

Our means are ample. The profits of the Commonwealth's Bank, and the property belonging to the State, enable the legislature to create a School Fund of almost any assignable magnitude. At present, the annual fund appropriated to this object, is one half the net profits of the Commonwealth's Bank, which may be estimated at about sixty thousand dollars. On an average, this would yield to each county about eight hundred and fifty dollars annually. If each county were divided into sixteen school districts, this would, on an average, give about fifty-three dollars to each district. It is apparent, that this sum is not sufficient to support a school any length of time which would be useful to the district; and, without the aid of additional funds, would be entirely lost to the community. The important question is, how shall these additional funds be procured? After serious consideration, your commissioners discover but two modes, which it is expedient to attempt or practicable to adopt. One is, to assess the requisite amount on the parents of such children as attend the school, admitting a number of poor children, free of charge, on account of the public fund. The other is, to authorise the School Districts, in District Meeting, to impose on themselves a voluntary tax, for this important object. As the first plan will expose the poor to be considered as an inferior and de-

graded cast, by the children of the rich who attend the same school, your commissioners prefer and recommend the adoption of the latter mode; leaving the question of taxation, wholly at the discretion of the legal voters in the district.

In accordance with the principles herein discussed, your commissioners recommend the adoption of a system of Common and Free Schools, of which the following shall be an outline :

Let the officers to be employed be, a Superintendent, the County Courts, the Clerks of Counties, the Sheriffs, three Trustees in each School District, a District Clerk, Collector, and Treasurer, the People of the School District in District Meeting, and Inspectors of Schools in each County, not exceeding ten in number.

The duty of the Superintendent should be, to apportion the school money among the several counties, according to the number of voters in each; to communicate the amount apportioned to each county, to the County Clerks; to correspond with, and give directions and forms to all the subordinate officers of the system; to promote its extension, by all proper means, and report annually to the legislature—making such suggestions relative to the School Fund, and the system of Schools, as his observation or experience may dictate.

It should be the duty of the County Courts, to form and alter School Districts, as the public good or convenience may require, and appoint any number of Inspectors not exceeding ten.

It should be the duty of County Clerks to record the limits of every School District, when formed or altered; to give public notice thereof to each district, appointing the time for the first meeting; to apportion among the several School Districts the amount of school money apportioned to his county, according to the number of children in each, between the ages of five and fifteen; receive the reports of the Trustees of Districts in his County, and make an aggregate report to the Superintendent.

It should be the duty of the Sheriffs, to receive the school money apportioned to each county, at the time of their annual settlement with the Auditor, and immediately on their return, pay over to the District Treasurers the amount apportioned to each district.

It should be the duty of the Trustees of Districts, to provide School-Houses, employ Teachers, superintend the pre-

parations and details of the School, draw on the Treasurer for the expences, and report annually to the County Clerks the number of children taught in their districts, the number of months their school was kept, the expence thereof, &c.

It should be the duty of District Clerks, to record the proceedings of all district meetings, and act also as Clerk to the Trustees.

It should be the duty of the District Collector to collect all taxes levied in district meetings, and pay the same over to the Treasurer—making settlements with the Trustees. The Sheriffs or Constables might be employed to perform this duty.

It should be the duty of the Treasurers to receive the school money from the Sheriffs and Collectors, pay the orders of the Trustees, and settle with them annually, or as often as required.

The people of each district, assembled in district meeting, first by notice from the County Clerk, and afterwards by notice from their own Clerk, should have power to determine whether they will organize the district, for the purpose of establishing a school therein, or not; to levy taxes for the building of school houses and supporting schools; to elect a Clerk, Collector, Treasurer and three Trustees, annually; to instruct the Trustees in the performance of their duty; to locate school houses, or appoint impartial men to do it; to make rules for the preservation of their school house, and perform such other acts as the interest of the school may require.

The Inspectors should be authorised to examine persons proposing to teach school; to give or refuse them certificates of qualification; to visit the schools in the county at least twice in each season, examine the pupils as to their proficiency, and make such suggestions to the teachers and trustees, and give such advice to the children, as the interests of education and morality may seem to require.

The Teachers should be men of good moral character, capable of teaching manners as well as letters; and none should be employed, unless he could procure a certificate of qualification from two or more of the Inspectors living within the county.

If no districts were organized in any county, no portion of the public fund should be paid to the Sheriff thereof; but it should be held in reserve, until such organization should take place. If any district refused to tax itself, in aid of the public fund, in a sufficient sum to support a school at

least three months, its portion of the public money should also be reserved, until by its accumulation it became sufficient to support a school for that period of time. With this view, notice of the organization of each district, and the amount of tax levied by it, should be immediately communicated to the County Clerk, and through him to the Superintendent.

To avoid the increase of Officers, the Secretary of State might be required to act as Superintendent.

This is the outline of the system which your commissioners have agreed to recommend, as giving the highest assurances of success, in the present condition of Kentucky. In fixing its details, there are many particulars to be provided for, which it was not necessary to suggest. If it shall be adopted and carried into successful operation, or if the hints here thrown out, will lead to the formation and introduction of a better system, the undersigned will feel themselves amply rewarded for their labor, in the increasing intelligence, respectability and influence of their beloved State.

W. T. BARRY.
DAVID R. MURRAY,
J. R. WITHERSPOON,
JOHN POPE.

Ordered, That the public printers forthwith print 1000 copies of the report for the use of the members of the legislature.

Mr. M'Affee read and laid on the the table the following resolution, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the report of the commissioners appointed to collect information on the subject of Free Schools, be referred to a joint committee of three from the senate and four from the house of representatives, to report by bill or otherwise.

The rule being dispensed with, it was taken up and adopted.

Ordered, That Mr. M'Affee inform the house of representatives thereof.

And then the senate adjourned.

MONDAY, DECEMBER 2, 1822.

The senate assembled.

The Lieutenant Governor being absent, Mr. Faulkner was appointed Speaker for the occasion.

Mr. Lackey presented the petition of David Griffith and Robert Griffith, praying that their title to certain lands may be confirmed.

Which was read and referred to the committee for courts of justice.

Mr. Barbee from the joint committee of enrolments, reported that they had examined enrolled bills and resolutions of the following titles, to wit :

An act to divorce Rebecca Walker.

A resolution referring to joint committees the reports of the Bank of the Commonwealth and Branches.

An act for the benefit of Jailers and Constables.

An act for the benefit of Andrew Turner and others.

An act for the benefit of William Lobb.

An act for the benefit of the widow and heirs of Edward Harris, deceased.

An act for the benefit of the heirs of John Edminston, deceased.

An act for the benefit of Catherine Logsdon, and others.

An act for the benefit of Nancy Templin, an idiot.

An act authorising a lottery for the benefit of Paris Union Lodge No. 16, and for other purposes.

An act for the benefit of the heirs of Lewis Masquiritier and others.

An act for the benefit of William B. Long.

An act for the relief of Walter Emmersen, Sheriff of Wayne county.

An act to amend an act entitled an act for the benefit of the seminary of Hardan county.

An act to regulate the right of suffrage in the county of Lawrence.

And had found the same truly enrolled.

The senate received a message from the house of representatives announcing that their Speaker had signed said bills and resolutions.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

The following bills were reported from the select committees to whom they were referred, to wit :

By Mr. Marshall—1. a bill to amend the several acts providing for the publication of the decisions of the court of appeals.

By Mr. Towles—2. a bill concerning fugitives from justice; each with amendments, which were concurred in, and the bills ordered to be engrossed and read a third time.

The second bill having been engrossed, was read a third time.

Resolved, That the said bill do pass and that the title be, 'an act concerning fugitives from justice,' and that Mr. Howard inform the house of representatives thereof.

A bill authorising resident *femes covert* to make powers of attorney was read a second time, amended at the clerk's table, and committed to Messrs. Carneal, Pope, and Marshall.

A bill from the house of representatives for the benefit of Silas Payne and wife was read a third time and amended.

Resolved, That the said bill as amended do pass, and that the title be, 'an act for the benefit of Silas Payne, John Tyler and their wives,' and that Mr. Owens inform the house of representatives thereof.

Mr. Davidson made the following Bank report :

The undersigned, constituting a joint committee, consisting of the senators and members of the house of representatives, from the district in which the Branch of the Bank of the Commonwealth of Kentucky at Somerset, is located; have had under examination, the report made by the said Branch Bank to the present legislature, and beg leave respectfully to report :

That the debts created by the said institution, are, in the opinion of your committee, well secured; that all the accommodations obtained from said bank have been alone upon personal security, and that very few instances of delinquency have yet occurred. Your committee will only add, that they feel perfectly satisfied, that the concerns of the said institution, have been judiciously managed, according to the true spirit and policy of the act of incorporation.

From the Senate,

JAMES DAVIDSON,
JOHN COWAN,
RICHARD BALLINGER,
GR. BOWMAN.

From the House of Representatives,

C. M. CUNNINGHAM,
WILLIAM SMITH,
JAMES RAPIER,
WEST, M. GARNETT,
DANIEL GARRARD,
BURTON LITTON.

On the motion of Mr. Howard, leave was given him to report a bill supplemental to an act providing for the removal of the seat of justice for Campbell county; which was read the first time, and the question being taken on reading it a second time, it was resolved in the negative.

And so the said bill was rejected.

The Speaker laid before the senate the following communication, to wit:

FRANKFORT, Dec. 2nd, 1822.

Sir:

In the report which we had the honor to transmit to the legislature on the 30th ult. the results of the information acquired upon the subject of Common Schools, were communicated. In our correspondence with other states, letters have been received from distinguished individuals, so important and interesting as to be considered worthy of the particular attention of the members of the general assembly; copies of which are herewith respectfully submitted.

Your obedient servants,

W. T. BARRY,
DAVID R. MURRAY,
J. R. WITHERSPOON,
JOHN POPE.

THE HON. SPEAKER OF THE SENATE.

DOMESTIC CIRCULAR.

Sir,

You are already apprised of the proceedings of our Legislature, at their last session, on the subject of Education. We were appointed commissioners to collect information and digest a system for carrying into effect the benevolent purposes and munificent appropriations of the Representatives of the people, in relation to this important class of our common interests. Believing you to be friendly to the object, and willing to contribute whatever may be in your power to its accomplishment, we take the liberty of addressing to you this Circular, and of calling your atten-

tion to the questions that are subjoined. Any information that you may be able to give, will be gratefully received and faithfully employed. We ask as early communications upon this subject as your convenience will permit. Your answer may be directed to

With great regard, we are, sir, yours,

W. T. BARRY, *Chairman*.

D. R. MURRAY,

JOHN POPE,

D. WHITE.

J. R. WITHERSPOON,

W. P. ROPER.

March 1822.

QUESTIONS.

1. Has any county seminary been established by law in your county?
2. If so, what endowments has it received, and what is the present situation of its funds and buildings?
3. Is any teacher employed therein under the control or superintendence of the trustees?
4. What number of students are taught thereat, and at what price for each branch of knowledge?
5. Are there any academies in your county established by law or otherwise, and what are their endowments?
6. Have they buildings?
7. What teachers are employed therein; what number of pupils are taught, and at what price for each branch of knowledge?
8. What number of common schools are now, or usually taught in your county?
9. What number of children are taught therein, and what is the price of tuition?
10. What is the probable number of children who are growing up in your county without being sent to school?
11. What is the probable number of those whose parents are unable to give them a common school education?
12. What is the size of the school districts into which your county has been laid off by the county court?
13. If a school were placed near the centre of each district, would it be practicable for all the children therein to attend it?
14. If not, how many would be excluded?
15. Could your county be otherwise districted so as better to accommodate those who would be sent to school?

16. Calculating from the usual number of children taught in the seminary, academies and common schools, and the known prices of tuition, what is the probable sum paid annually in your county for the education of children?

FOREIGN CIRCULAR.

Sir,

We take the liberty of addressing you on one of the most important interests of society, the cause of EDUCATION. The Legislature of Kentucky, at their last session, made liberal appropriations of money for the benefit of Schools, Academies, Colleges and the University. We were appointed a Committee to collect information and arrange a plan for carrying into effect, in the best manner possible, the benevolent purposes of the state. We are aware of the difficulty of the task, of the extent of our responsibility, and of the value of the aids which we may derive from the experience of our elder sisters in the Union. We wish to avoid, if possible, the evils attending upon a bad beginning, and to secure to ourselves and to our children, the advantages of a good system from the commencement of our labors. Believing you to be friendly to an object intimately connected with the prosperity and happiness of our common country, and willing to contribute whatever may be in your power to its accomplishment, we beg leave to trouble you with this circular, and to call your attention to the questions subjoined. Any information or suggestions which you may give in aid of our plan, will be gratefully received and faithfully employed. We shall be much obliged to you for as early an attention to our communication as your convenience will permit. Letters can be directed to our Chairman, at Lexington.

With great regard, we are, sir, yours,

W. T. BARRY, *Chairman.*

D. R. MURRAY,

JOHN POPE,

D. WHITE,

J. R. WITHERSPOON,

W. P. ROPER.

March 13, 1822.

QUESTIONS.

1. Has any system of common schools been established by law in your state?
2. If so, are they supported by a public fund, by taxation, or by a charge upon parents and guardians, whose children and wards are sent to school?

3. Are your counties or townships divided into school districts, with one school in each, or otherwise?
4. What officers are employed in carrying into effect your system of schools, how are they appointed, what are their several duties and what their compensation?
5. Are your teachers employed by the month, or at a certain price for each scholar?
6. What is the average price given per month or per scholar?
7. In what manner is the teacher boarded?
8. Is any particular qualification required in teachers?
9. Can they be removed, and by what authority?
10. Are females ever employed as teachers?
11. If so, what is the difference in cost between male and female teachers?
12. How many months in the year, and at what seasons are your schools kept?
13. How many children usually attend one school?
14. To what kind of superintendence are they subjected?
15. Are they free to all children or only the children of the poor?
16. Are they attended by children of every class of the community?
17. What portion of the children in your community receive the rudiments of education at these schools?
18. What is the probable average expense per month or per year, of educating a child at one of your common schools?
19. What branches of knowledge are taught therein?
20. Of what improvement does your system seem to be susceptible?
21. Do the people of your state appear to be satisfied with the present plan?
22. If you can give a brief detail of the origin and progress of your system, it might afford many useful hints for the guidance of the Commissioners in avoiding those errors which have been discovered in your state only by experience.

MONTIZELLO, QUINCY, July 22d, 1822.

Sir:

I know not that I ever received a letter with more pleasure than yours of the 30th June last, except the circular from your Committee, which I received some days before.

The wisdom and generosity of your legislature in making liberal appropriations in money, for the benefit of Schools, Academies, Colleges and the University, is an equal honor to them and their constituents; a proof of their veneration for literature and science, and a portent of great and lasting good to North and South America, and to the World.

Great is truth—great is liberty, and great is humanity, and they must and will prevail. I have communicated your letters to as many of my friends as I have seen, and requested them to assist me in complying with your views. If the taper thread of life should continue to burn a little longer, I hope that you will hear more from me. At present, blind and paralytic, I am incapable of research or search. I can only give hints from memory. A law of this Colony, almost two hundred years ago, obliged every town to maintain a school-master, capable of teaching the Greek and Roman Languages, as well as reading, writing and arithmetic in English. Those school masters were to be examined by the clergymen and magistrates; and the clergymen in those days were all learned men. This law is in force to this hour; though not so punctually executed as it ought to be. I had myself the honor to be a school-master from 1755 to 1758, in the town of Worcester, under this law. These school-masters and school-houses, are maintained by taxes, voluntarily imposed on themselves by the people, in town meeting, annually; and the ardour of the people in voting money for this noble purpose, is astonishing. In this small town of Quincy, consisting of not more than 1,400 inhabitants, I think they voted this year, \$1,700, for the support of schools—more than a dollar a head for every man woman and child in the place. The principal school, which is not more than half a mile from me, pours out of its doors, at twelve o'clock every day, from one hundred, to two hundred boys and girls, as happy as Scott or Shenton, has described them and their masters, in their romances. Besides this principal school, there are not less than four or five schools kept by women in different parts of the town, for children of both sexes, too young to be able to travel to the central school. Besides these town schools, there are Academies under the auspices of the legislature, and others established by private munificence for teaching languages, arts and sciences, on a more enlarged scale. All these subordinate institutions are preparatory to the qualifications of young gentlemen to enter the University. The Universities and the schools mutually

support each other; the schools furnish students for the College, and four years afterwards, the College sends the young men into the country to keep school.

I esteem myself highly honored by your circular and your letter of the 30th June.

And am Sir, your very obedient,
humble servant,

JOHN ADAMS.

WILLIAM T. BARRY, Esq.

Lexington, Kentucky.

MONTICELLO, July 2, 1822.

Sir:

Your favor of the 15th June is received, and I am very thankful for the kindness of its expressions respecting myself; but it ascribes to me merits which I do not claim. I was one only, of a band devoted to the cause of Independence, all of whom exerted equally their best endeavors for its success, and have a common right to the merits of its acquisition. So, also, in the civil revolution of 1801, very many, and very meritorious were the worthy patriots who assisted in bringing back our government to its republican tack. To preserve it in that, will require unremitting vigilance. Whether the surrender of our opponents, their reception into our camp, their assumption of our name, and apparent accession to our objects, may strengthen or weaken the genuine principles of republicanism, may be a good or an evil, is yet to be seen. I consider the party division of Whig and Tory, the most wholesome which can exist in any government, and well worthy of being nourished, to keep out those of a more dangerous character. We already see the power, installed for life, responsible to no authority, (for impeachment is not even a scare-crow,) advancing, with a noiseless and steady pace, to the great object of consolidation. The foundations are already deeply laid, by their decisions, for the annihilation of constitutional state rights, and the removal of every check, every counterpoise to the ingulfing power of which themselves are to make a sovereign part. If ever this vast country is brought under a single government, it will be one of the most extensive corruption, indifferent and incapable of a wholesome care over so wide a spread of surface. This will not be borne, and you will have to choose between reformation and revolution. If I know the spirit of this country, the one or the other is inevitable. Before the canker is become

inveterate, before its venom has reached so much of the body politic as to get beyond control, remedy should be applied. Let the future appointments of judges be for four or six years, and renewable by the president and senate. This will bring their conduct, at regular periods, under revision and probation, and may keep them in equipoise between the general and special governments. We have erred in this point, by copying England, where certainly it is a good thing to have the judges independent of the king; but we have omitted to copy their caution also, which makes a judge removable on the address of both legislative houses. That there should be public functionaries, independent of the nation, whatever may be their demerit, is a solecism in a republic, of the first order of absurdity and inconsistency.

To the printed enquiries respecting our Schools, it is not in my power to give an answer. Age, debility, an ancient dislocated, and now stiffened wrist, render writing so slow and painful, that I am obliged to decline every thing possible, requiring writing. An act of our legislature will inform you of our plan of primary schools; and the annual reports show that it is becoming completely abortive, and must be abandoned very shortly, after costing us to this day \$180,000, and yet to cost us \$45,000 a year more, until it shall be discontinued; and if a single boy has received the elements of common education, it must be in some part of the country not known to me. Experience has but too fully confirmed the early predictions of its fate. But on this subject, I must refer to others more able than I am to go into the necessary details; and I conclude with the assurances of my great esteem and respect.

TH. JEFFERSON.

Mr. W. T. BARRY.

MONTPELLIER, August 4, 1822.

Dear Sir:

I received, some days ago, your letter of June 30th, and the printed Circular to which it refers.

The liberal appropriations made by the legislature of Kentucky, for a general system of education, cannot be too much applauded. A popular government, without popular information, or the means of acquiring it, is but a prologue to a farce or a tragedy, or perhaps both. Knowledge will ever govern ignorance; and a people who mean to be their

own governors, must arm themselves with the power which knowledge gives.

I have always felt a more than ordinary interest in the destinies of Kentucky. Among her earliest settlers were some of my particular friends and neighbors; and I was myself among the foremost advocates for submitting to the will of the "District," the question and the time of its becoming a separate member of the American family. Its rapid growth and signal prosperity in this character, have afforded me much pleasure; which is not a little enhanced, by the enlightened patriotism which is now providing for the State a plan of education embracing every class of citizens, and every grade and department of knowledge. No error is more certain, than the one proceeding from a hasty and superficial view of the subject, that the people at large have no interest in the establishment of Academies, Colleges and Universities, where a few only, and those not of the poorer classes, can obtain for their sons the advantages of superior education. It is thought to be unjust, that all should be taxed for the benefit of a part, and that too the part least needing it. If provision were not made, at the same time, for every part, the objection would be a natural one; but, besides the consideration, when the higher seminaries belong to a plan of general education, that it is better for the poorer classes to have the aid of the richer by a general tax on property than that every parent should provide at his own expence for the education of his children, it is certain that every class is interested in establishments which give to the human mind its highest improvements, and to every country its truest and most durable celebrity.

Learned institutions ought to be favorite objects with every free people. They throw that light over the public mind, which is the best security against crafty and dangerous encroachments on the public liberty. They are nurseries of skilful teachers, for the schools distributed throughout the community. They are themselves schools for the particular talents required for some of the public trusts, on the able execution of which, the welfare of the people depends. They multiply the educated individuals, from among whom the people may elect a due portion of their public agents of every description; more especially, of those who are to frame the laws, by the perspicuity, the consistency, and the stability, as well as by the just and equal spirit of which, the great social purposes are to be answered.

Without such institutions, the more costly of which can scarcely be provided by individual means, none but the few whose wealth enables them to support their sons abroad, can give them the fullest education; and in proportion as this is done, the influence is monopolized, which superior information every where possesses. At cheaper and nearer seats of learning, parents with slender incomes may place their sons in a course of education, putting them on a level with the sons of the richest; whilst those who are without property, or with but little, must be peculiarly interested in a system which unites with the more learned institutions, a provision for diffusing through the entire society, the education needed for the common purposes of life. A system comprising the learned institutions, may be still further recommended to the more indigent class of citizens, by such an arrangement as was reported to the general assembly of Virginia in the year 1779, by a committee* appointed to revise the laws, in order to adapt them to the genius of republican government. It made a part of a "bill for the more general diffusion of knowledge," that wherever a youth was ascertained to possess talents meriting an education which his parents could not afford, he should be carried forward, at the public expence, from seminary to seminary, to the completion of his education at the highest.

But why should it be necessary, in this case, to distinguish the society into classes, according to their property? When it is considered that the establishment and endowment of Academies, Colleges and Universities, are a provision not merely for the existing generation, but for succeeding ones also; that, in governments like ours, a constant rotation of property results from the free scope to industry, and from the laws of inheritance; and when it is considered, moreover, how much of the exertions and privations of all are meant, not for themselves, but for their posterity, there can be little ground for objections from any class, to plans of which every class must have its turn of benefits. The rich man, when contributing to a permanent plan for the education of the poor, ought to reflect that he is providing for that of his own descendants; and the poor man, who concurs in a provision for those who are not poor, that at no distant day it may be enjoyed by descendants from

* The report was made by Mr. Jefferson, Mr. Pendleton and Mr. Wythe.

himself. It does not require a long life to witness these vicissitudes of fortune.

It is among the happy peculiarities of our Union, that the States composing it derive from their relations to each other, and to the whole, a salutary emulation, without the enmity involved in competitions among States alien to each other. This emulation, we may perceive, is not without its influence in several important respects; and in none ought it to be more felt, than in the merit of diffusing the light and the advantages of public instruction. In the example, therefore, which Kentucky is presenting, she not only consults her own welfare, but is giving an impulse to any of her sisters, who may be behind her in the noble career.

Throughout the civilized world, nations are courting the praise of fostering science and the useful arts; and are opening their eyes to the principles and the blessings of representative government. The American people owe it to themselves, and to the cause of free government, to prove by their establishments for the advancement and diffusion of knowledge, that their political institutions, which are attracting observation from every quarter, and are respected as models by the new born States in our own hemisphere, are as favorable to the intellectual and moral improvement of man, as they are conformable to his individual and social rights. What spectacle can be more edifying, or more seasonable, than that of Liberty and Learning, each leaning on the other for their mutual and surest support?

The committee of which your name is the first, have taken a very judicious course, in endeavoring to avail Kentucky of the experience of elder States, in modifying her schools. I enclose extracts from the laws of Virginia on that subject; though I presume they will give little aid; the less, as they have as yet been imperfectly carried into execution. The States where such systems have been long in operation, will furnish much better answers to many of the enquiries stated in your Circular. But after all, such is the diversity of local circumstances, particularly as the population varies in density and sparseness, that the details suited to some, may be little so to others. As the population, however, is becoming less and less sparse, and it may be well, in laying the foundation of a good system, to have a view to this progressive change, much attention seems due to examples in the eastern States, where the people are most

compact, and where there has been the longest experience in plans of popular education.

I know not that I can offer, on the occasion, any suggestions not likely to occur to the committee. Were I to hazard one, it would be in favor of adding to reading, writing and arithmetic, to which the instruction of the poor is commonly limited, some knowledge of geography, such as can easily be conveyed by a globe and map, and a concise geographical grammar. And how easily and quickly might a general idea even be conveyed of the solar system, by the aid of a planetarium of the cheapest construction. No information seems better calculated to expand the mind and gratify curiosity, than what would thus be imparted. This is especially the case with what relates to the globe we inhabit, the nations among which it is divided, and the characters and customs which distinguish them. An acquaintance with foreign countries in this mode, has a kindred effect with that of seeing them as travellers; which never fails, in uncorrupted minds, to weaken local prejudices, and enlarge the sphere of benevolent feelings. A knowledge of the globe and its various inhabitants, however slight, might moreover create a taste for books of travels and voyages; out of which might grow a general taste for history, an inexhaustible fund of entertainment and instruction. Any reading, not of a vicious species, must be a good substitute for the amusements too apt to fill up the leisure of the laboring classes.

I feel myself much obliged, sir, by your expressions of personal kindness, and pray you to accept a return of my good wishes, with assurances of my great esteem and respect.

JAMES MADISON.

P. S. On reflection, I omit the extracts from the Virginia laws, which it is probable may be within your reach at home. Should it be otherwise, and you think them worth the transmission by mail, the omission shall be supplied.

W. T. BARRY.

CHARLESTON, August 27th, 1822.

Gentlemen:

But a few days have elapsed since your Circular of the 13th March, but bearing the post-mark of the 13th July, came to hand. I will, with pleasure, answer the several questions which it contains, as fully as my acquaintance with the facts will enable me.

Provision was made for the education of the poor in this State, when a Province, as early as 1710. The schools then established were under the superintendence of particular commissioners, or the overseers of the poor, as circumstances dictated; but it would be attaching too much importance to those early institutions, to dignify them with the epithet of a system of education. Incorporated institutions, also, were dispersed throughout the State, supported by individual munificence, and sometimes aided by public donations; but it was not until about the year 1798, that the public attention was seriously invoked to the promotion of education as a legislative care. The plan then proposed, was, to have a College established at the seat of government, with a superintending power over Academies established at each district court house, and to vest in the trustees of those Academies a similar power over subordinate schools to be dispersed over the State, with a view to accommodate the population of the several counties or parishes. The first part of the plan was adopted in 1801, and the rest postponed for future consideration. A College was accordingly built and very liberally endowed, and commenced its operations under advantages which ought to have insured it the most brilliant success. But although great advantages have resulted from it, in distributing a race of well educated young men through our country, it has fallen far short of what was expected of it, merely from two causes: First, from want of appropriate qualities in the Presidents who have been elected to it; who, although men of approved learning, wanted the talent of directing and governing, and that energy of character, and knowledge of the science of government, without which, a President may be very learned and very worthy as a man, but very useless as a President. The second cause, has been the want of a good standing committee of zealous, learned and judicious men, on the spot, or within a convenient distance, to superintend the several departments of such an institution. This will every where be found a serious difficulty, but will be in a great measure remedied by a Faculty of sufficient zeal, energy and disinterestedness, if such an one can be procured. It is more easy to procure men of learning, for such an institution, than men of energy and zeal. I have often thought, that it is a grand desideratum in our institutions, to discover a plan for separating the governing and teaching departments of our Colleges, so as to preserve them from clashing, yet impose the duties upon distinct persons.

In the South Carolina College, all the teachers are paid quarterly from the treasury, and the State has been very liberal in erecting buildings for their accommodation. A library and apparatus were also procured for the institution, at the public expence, and independently of their board, I believe twenty dollars per annum, is all that a student pays to the institution; a sum which barely pays the incidental charges of the establishment.

In its government and course of studies, the South Carolina College approaches to that of Princeton; particularly, in making honor and shame the principles of stimulus and control, and attaching much importance to private and rival societies, as subordinate means of instruction; also, in avoiding the crowding of too many studies into the limited space to which the course of education in this country is confined; acting on the opinion, that it is too apt to make men superficial, and leave too little time for students to acquire a taste and habit for reading; also, that graduates, destitute of a knowledge of books, come into the world under great disadvantages, &c. &c.

The annual appropriation for the College, is at this time \$11,800.

It was not until the year 1811, that the legislature could be brought to adopt another part of the plan proposed to them in 1798. This was the establishment of County Schools. In that year, they appropriated 40,000 dollars per annum to the education of the children of such of the inhabitants as were not able to bear the expence themselves. This sum was distributed in the ratio of the representation of each district; and commissioners of Free Schools were nominated throughout the State, to whose order the respective quotas were made payable. These commissioners were left very much at large in the application of the money, and hence there exists a great diversity in the benefit derived to each district, resulting from the intelligence, fidelity, &c. of the respective commissioners. The average is about six dollars per head, to the children educated; but in some of the interior counties the expence is not above two or three dollars per head; in others, ten or twelve. There must be room, therefore, for improving the mode of applying this money. Had the legislature completed our system, by adopting the central Colleges or Academies at each court-house, they would probably have corrected the evil. Certainly, those Academies would have supplied good teachers, practical superintendents, and the means of

obtaining an education above the mere elements taught at the lower shools, for those who did not aim at the higher branches of knowledge taught in the College.

I am clearly of opinion, that the sum now paid by the State, with the aid of the Lancasterian system, would have been adequate to completing the system, and rendering it more extensively beneficial.

One of the Academies, devoted to the instruction of suitable persons in the Lancasterian method, would have furnished the whole State with teachers, in one or two years.

In the application of the School Fund, a method has been very generally adopted, which is exactly what was originally contemplated, and is perhaps the most judicious, if faithfully followed up, that can be practised. The principle on which the State acts, is, "educate the poor, and the rich will be compelled to educate themselves." But still, as far as the one object can be made auxiliary to the other, there is every reason for rendering it so. This is done by bringing the School Fund in aid of individual efforts to establish schools, wherever it can be done, so as to contribute to the salary of a teacher, who must otherwise be paid by a neighborhood, which could not supply as many scholars as a master was competent to teach. By pursuing this method, the means of a plain country education are now very generally diffused throughout the State, and the system is unquestionably popular. Mr. Cooper, the present President of the College, I am sorry to observe, has done too much to render it otherwise; but he will not succeed.

It will be seen, from the preceding remarks, that the compensation and board of the teachers, as well as their continuing in employ, must depend upon the will of the commissioners in the respective sections of country. I know not whether females are ever employed; but I presume they are, where convenience or economy recommend it. The vacations, also, rest with the commissioners; and those young people who are obliged to labor for subsistence, are permitted to retire during the cropping season.

The number of children thus educated, is about seven thousand. They are admitted by the commissioners, and are understood to be exclusively of the poorer class of citizens, not of the paupers alone.

Thus, gentlemen, I have endeavored to communicate to you all the information in my possession, on the subject of the state of public education in this country. If any thing more full or minute be requisite, I beg that you will not

hesitate to command me. The cause is one in which, as men and as citizens, we have all a common interest.

I have the honor, gentlemen, to subscribe myself

Your very humble servant,

WILLIAM JOHNSON.

W. T. Barry, D. R. Murray, John Pope, } Esq's.
D. White, J. R. Witherspoon, W. P. Roper, }

COLUMBIA, SOUTH-CAROLINA, Aug. 17th, 1822.

Sir :

I received your printed circular, a copy of which was addressed to me, covering a number of questions relative to the establishment and management of public schools in this state. It is not in my power to answer your questions in detail ; but I readily give you such general information as is in my power to furnish.

An act of our state legislature was passed on the 21st December 1811, for the establishment of *Free Schools*, throughout the state. By that act, Free Schools were directed to be established in each election district of the state, the number of Free Schools, to be equal to the number of members which each district sends to the house of representatives. Reading, Writing and Arithmetic, are to be taught. Every citizen may send his child to the free school nearest his residence, free from expence of tuition ; but a preference is to be given to poor orphans, and the children of indigent parents. Three hundred dollars per annum is appropriated for each school.

But the expence has never exceeded \$37,000 per annum. The legislature appoints, triennially, commissioners, in each election district, who have power to fix the location of the schools, and to alter them, to appoint the masters and change them, to decide on the admission of scholars, and to superintend the whole system, and draw the money out of the treasury, and apply it to the intended purposes ; the Commissioners to report fully annually to the legislature.

The above is the substance of the plan. It has been a little, and but a little modified, since the commencement of the system.

It has certainly done some good, but not as much as was expected. The scattered state of our population, made it difficult to adapt the system to the wants of the country. Decent teachers were difficult to be obtained in such numbers as were wanted, and at such prices as could be given.

The compact little townships of the New England States, which are perfectly organized, little sub republics of six miles square, manage their school systems, with admirable skill, economy and effect. We cannot, in our situation, and with our habits, hope to attain that perfection. But much has been done, and more might be accomplished by perseverance and vigilance.

The commissioners have, in some instances, united the free schools, with a private school, and have paid the teacher so much for each free scholar sent by the commissioners. In some cases it has answered well—in others not.

If I had the formation of such a system, I would not take the money from the general treasury; but I would make each district raise its own fund (through the tax collector,) and it would be expended more carefully and economically.

As I doubt not you have sent your judicious circulars, to the New England States, where the system is best practised, I will not take up your time in crude opinions, when you will in all probability, have communications founded on great experience.

I enclose you a summary of one year's returns of the Commissioners.

With my best wishes for the success of your wise and benevolent plan of educating the people generally, and thus fitting them for self government, I remain Sir,

Your most obedient servant,

HENRY WM. DESAUSSURE.

WM. T. BARRY, Esq.

PHILADELPHIA, July 12, 1822.

Gentlemen,

The Circular which you were pleased to address to me of date 22nd of June last, did not reach me until this day. My opportunities at the moment do not admit of my going to a particular detail of answer to the several questions propounded therein; but I will attempt to reply in that general way which circumstances at the moment permit, and I will offer you freely my opinions, on a subject which, as a parent, and an observer in a long and varied course of experience, enable me to do—on a subject which has very much engrossed my attention for at least forty years, during which, I have reared with very grateful success, several children of both sexes, who are now, some of them, of mature age and heads of families.

1st Question. There is in Pennsylvania, a general, but very imperfectly executed system for the instruction of the children of poor persons, and there is a particular law which embraces the children of the District of Philadelphia, county and city. The former I cannot from memory describe, and only know generally that it is not effective, owing in a principal measure to its want of vigorous and systematic prosecution, the insufficiency of the means, either to reward competent teachers and thereby secure their zeal, and the accordant want of any definite method by which the progress or the elementary instruction could be suitably inculcated. Another circumstance which probably might be overcome if there was any effective or coherent system, is the reaction of two kinds of pride; that of the opulent who are repugnant to the idea of schools, or education in any thing like a school, that has the denomination or attribute of being for the poor, or as their ideas associate it, with charity. This unfortunate pride extends to the actually poor themselves; by which I mean that class of men, who acquire their subsistence by useful labors in all the arts, agricultural, mechanical and liberal. That a good system would remove this obstacle of pride, is manifest from the solicitude of all classes to educate their children at the Academy of West Point, where education is conducted with a degree of success, the most flattering and honorable to the country. There is one other school on a similar system founded by Capt. Patridge, who formerly superintended the Military Academy. It is established at Norwich, in Vermont, and I speak of it from experience, as equally efficient as that of the Military Academy. I know of no other institution for education in the United States, besides these two, deserving of the name of a liberal institution for education; for I know of no College or other institution, that is not conducted upon a system that appears to me barbarous and adverse to the developement of the intellect of the species. I know of no female school but one, and that is confined to a few pupils. It is conducted by a Madame Fitegeot of this city, who is a disciple of Pestalozzi of Switzerland, and teaches in his method, somewhat modified to the prejudices of society.

2nd Question. The public systems in this state are at public expence, but as they are inefficient it is not worthy of your attention.

3rd Question. The schools of a public foundation are in townships, but they are not general, and I believe very few. The schools in this district, have, within three years,

been assimilated to the forms of mutual instruction of the celebrated English teacher, Lancaster; a system that has the common defect of all modern systems, that of a method of *rote*, communicated and confirmed *orally*; but which confines its impressions to the mere accumulation of words, and appears to leave out of view the only important part of education, that of acquiring and comprehending ideas, or facts. This system, however benevolent the views of the founder, is connected with the most unfortunate of all prejudices—that is *cheapness*. The mercenary spirit is one of the most fatal of all the causes that injure morals, knowledge and education. In a society where the population is cut up into casts and orders, this poverty stricken system, may have its uses, because there, every other, or better, is hopeless. But it is not adapted to unfold human faculties, nor to form or to confirm sound minds. As far as it can render services, probably it does so here; but it is a lamentable evidence of the imperfection or the perversion of the most generous intentions.

4th Question. In the counties, the county commissioners have, I think, the direction or control; and the persons chosen to such offices, are not exactly the description of men, nor do the pecuniary objects for which such stations are sought, tend to promote the purposes of the laws or of public beneficence. In this district, a number of benevolent men volunteer under a special law and give a certain degree of attention to the prosecution of the undertaking. But even here, the want of conformity of sentiments and aptitude of men of different sects, to give predominance to their own peculiar tenets or theories, have a pernicious influence, and then the stipends are such, that it is the extreme of false economy to waste money, where no man who has faculties can obtain even a commonly comfortable subsistence for his labors. Incompetent teachers are therefore taken from necessity; and it would be disingenuous not to declare the consequence. The children are taught to be ignorant, and this must ever be the result of a mercenary penny, where there should not only be the best capacities employed, and rewards adequate to that most important of all branches of social institutions.

5th Question. Teachers are engaged at periodical stipends. In some schools, there are scholars admitted, whose parents pay a monthly or quarterly sum.

6th. The average stipends in different parts of the state, would afford no just criterion, as they conform to the means of subsistence in each particular place.

7th. The Teachers usually support themselves out of their miserable stipends.

8th. Qualifications are not duly attended to, and it would be preposterous to expect adequate talents for the stipends allowed. At a private school in one of the townships adjacent to this city, a very excellent Classical Scholar and able Mathematician, who had been a Captain in our army, attempted to become a teacher. When he enquired what his allowance was to be, the answer was, what is the lowest sum you can possibly subsist on? The pursuit was necessarily abandoned.

9th. Teachers, wherever I have acquaintance, are removable at the pleasure of the Trustees or Superintending officers.

radically vitiated, it is not to be expected that any other effect can be produced.

22nd. For the reasons first stated, I cannot answer this question with sufficient precision at this time. If an opportunity presents itself to make a suitable enquiry, I shall communicate what I may learn; but this I must say, that you can acquire no knowledge from the public institutions for education in this state, but such as are to be avoided.

I have, in a rapid way, offered such sentiments and remarks as my judgment enabled me, on the several questions. I shall, in compliance with your introductory address, offer some "suggestions," such as in my humble judgment would lead to the object so intimately connected with the happiness and prosperity of our common country, and I pray you to take what I say in that spirit of sincerity and frankness which ought to be inseparable from so momentous a subject. I do not resort to compliments, nor withhold the expression of my free and honest opinions from a ceremonious delicacy; for, on interests so sacred, hypocrisy would be the worst of all insolence.

In my own opinion, the prevailing systems of education are all wrong, from the first to the last stage. Education begins where it should terminate, and youth, instead of being led to the development of their faculties, by the use of their senses, are made to acquire a great quantity of words, expressing the ideas of other men, instead of comprehending their own faculties, or becoming acquainted with the words they are taught, or the ideas that the words should convey. There is only one system of Education in existence fit for a country that is free, or for a people to whom intellectual knowledge is essential, in an age where

knowledge is power and ignorance is weakness. And perhaps you may be surprised to learn, that there is only one man in this country, and that one man in Kentucky, who is powerfully qualified to teach and to enable others to teach it. But such is the fact, and I shall not hesitate to name him to you, and to give you my ideas of his system; as I know it and saw it, I can warrant the perfection of its practice. There is living near Frankfort, a German of the name of *Joseph Neef*. He was a coadjutor of Pestalozzi, in Switzerland. He was offered every rich temptation to go to Russia; he preferred coming to the United States, and he was mistaken. He is the most disinterested man I ever saw, and most capable. No science is to him difficult or strange, because his method is such that he can analyze

10th. There are some females employed; but lamentably deficient and few.

11th. No mode of comparison can be found between males and females.

12th. Schools are kept throughout the year, with, in some instances, a vacation at mid summer and Christmas.

13th. The numbers of pupils vary.

14th. The superintendence is as lax as the variety of minds, characters and incitements of the teachers.

15th. The public schools are free to all who choose to send their children.

16th. They are not attended by every class.

17th. There is no mode of ascertaining the proportion of numbers, within my reach.

18th. Nor can I ascertain the average expense, but it is sufficiently small to defeat all the purposes of an useful or rudimental education.

19th. The instruction at those schools, varies. Reading the New Testament, or Murray's Reader, or some elementary books, very imperfectly, is the utmost that I have observed.

20th. The existing system, (if no system can be so called,) admits of a total abrogation, and requires it. The subject of education is treated of in many excellent works, but there appears to be no regard paid to them in practice, though in discourse they are the themes of admiration by the very persons who utterly disregard them.

21st. This question involves a remarkable dilemma. If passiveness were to be the rule of judgment, as to the satisfaction of the people, I believe there is not in the universe, a people, who, (by that criterion,) are better satisfied with the

present plan, or absence of all plan. But if individuals are asked, the measure of intelligence of the individual, will regulate the answer. No intelligent and upright man can approve of the present state of education; a great portion of the population appear to be insensible or indifferent; and among the opulent, the improvement of the understanding and the heart, enters very little into the consideration. "*My son, Make money,*" is the order of the day. But this is only a necessary effect of the social state, in which money is the substitute and the criterion of every virtue, to which human rights, human liberty, social virtue, and public character are all sacrificed. There is nothing sacred or revered which is not sacrificed to money. When the government and the laws, and the habits of thinking, are thus them all. In short, his system is expressed by the word *analytic*; for as all knowledge consists of the comprehension of facts, and the ideas of which that knowledge is composed, he is a teacher of facts. To afford a very imperfect idea of his system, I will just invite your attention to one branch of it. He makes his pupil his equal, and the knowledge of sensible objects, forms the topics of discourse and investigation. There are two primary ideas that belong to all our early perceptions. We see *forms* of things, trees, houses, hills, rivers, animals; and we perceive they have shapes or forms; but that the diversity of things have a diversity of forms, and that like things have similarity of forms; and as there must be some principle both to express and to define the discrimination, that principle is to be sought. It is the first law of sensible things, which all perceive, though they do not distinctly distinguish how, until the idea is revealed by analysis. How do you describe the difference between an oak and a horse or a house? It is by its form! But how is that form composed? By lines; by the outline of each form. The lines drawn to represent a tree, is first the outline, or the line which circumscribes its outer bound, as it is erect in space. Draw this outline accurately, and whoever has seen a tree, recognises in the outline the resemblance, and the idea of a tree. So of a horse or a house; and so of all other sensible objects. Every visible thing has a form, and that is described by lines. This fact explains the motto which Plato placed on the entrance of the Academy, "let no man enter here who is ignorant of Geometry," for in fact Geometry is the science of forms; and the knowledge which should be first acquired, is that first and most universally felt. Hence Mr.

Neef would teach his pupil the study and the practice of forms; he would teach him Geometry before he taught him to read or to write. But in teaching him to draw forms, he would also teach him to draw letters, and to apply the power of letters to articulate sounds.

As next to forms, the first inchoate idea we perceive is individuality, number, or multitude; as we see one parent in our mother, another in our father, so the succession of number accumulates, and requires terms to class quantities or equal or unequal numbers. So that as all things have forms, so all things are of number, either one or more in a class; there is one or more trees, horses, houses; and number expresses as naturally this classification, as forms did that of sensible objects; and these two principles are the keys of science. Particular forms and quantities compose the detail; then come in the varieties of colors to fill the outline; then the sense of feeling is brought to comprehend other properties besides form, number, colour; objects are hard or soft, as a rock or as water. Then another sense determines a property of taste; and hearing and smelling complete the chain of sensation, and the brief principles of all human knowledge and ideas, because there are no ideas apart from these sensations. All ideas belong to them directly, or are referable to them by analogy. This is a very imperfect sketch of the fundamental principles of an accurate education, and by which more knowledge of any science or all the sciences may be obtained between the age of six and fourteen years, than is, or can be obtained in any college to the 20th year. I speak knowingly in what I say, and if Kentucky be resolved to establish education as it should be, and to possess the ablest and wisest men, the men of truest science, and the most correct and comprehensive knowledge, it is in their power; and at an expense so trivial compared with the extravagance of their Colleges of Freshmen, Sophomores, and all the trumpery of the remains of Aristotelian Schools, that posterity would hold them in perpetual gratefulness, and they would give a signal and proud example of wisdom, which would live after them.

As I have said so much on this system, and am persuaded that my suggestions will be received with the same ingenuousness that they are given, I will respectfully suggest, that an experiment be made, and I shall not hesitate to say how I think it may be accomplished.

Mr. Neef lives, as I understand, upon a small farm near Frankfort. If any of the members of your committee have boys of any age between six and ten years old, or if these are not to be had, let ten or twenty boys of poor persons be selected, of good health, and appropriate such a sum for their education as would be paid for boys at any common college or academy; invite Mr. Neef to take charge of those boys, and to train them up in his system of mental and moral exercises, and there is not a mere moral or virtuous man in existence. This school might be made the basis of others; or, if the boys be the children of poor parents, the children may be bred up to be the future teachers of the same method, and distributed throughout your State.

These suggestions merit your deepest care. Recollect, they proceed from a man who has no interest to serve or subserve, but that of human happiness. I have used this mode of education, as long as it was in my power, with my own children; and I have made it a particular study, on account of its excellence. This system is not new in its conception. The Greeks taught their children geometry and arithmetic, before every thing else. Locke and Condillac have given the outline; but it was Pestalozzi, of Switzerland, who realized it in modern times; and it is now spreading silently over Germany, and has been introduced into France, Spain, Russia and England. There are, and were, of the schools, in England and in Ireland, eleven. I am possessed of several of the elementary books, translated into English, (from the German,) published in Dublin, and have 20 volumes in German, published in those countries. But Mr. Neef requires no book; nor does any one who acquires his method.

I am persuaded, that in presenting to your attention this system, I am offering to you an opportunity to do honor to your State, your country and human nature; and if I should be so fortunate as to prevail upon you to weigh it seriously, and carry it into practice, I am sure to be remembered in your lasting esteem; and the esteem of good men, is to me precious.

I am, gentlemen, with respect,
Your obedient servant,

WM. DUANE.

WM. T. BARRY, Esq.

and the Committee on Education.

CHILLICOTHE, April 25th, 1822.

Sir :

On looking over the Kentucky Argus yesterday, I saw your Circular relating to Common Schools, which it is proposed to establish in Kentucky, and I have taken the liberty of addressing you on the subject.

I have not the vanity to believe, that the opinions of an obscure individual will have much weight in forming the plan which will be finally adopted by the School Commissioners ; but perhaps a few facts, relating to the institutions and experience of other States, may be of some use in your deliberations.

The State of Massachusetts is divided into counties, and the counties are subdivided into townships, which may average about forty square miles each. The townships are divided into school districts, according to the number of scholars, or persons of both sexes under twenty-one years of age, in such manner that each district shall not much exceed fifty, nor fall short of thirty scholars, and they generally average forty five.

The Counties in that State are of small importance, except for judicial purposes ; but the Townships are perhaps the most perfect democracies now extant, and their officers levy and collect all taxes, and retain their proportion in their own treasury. The legislature only declares what the capitation or poll tax shall be for that year, and the whole amount of taxes to be raised in each township, according to the whole amount of property, real and personal, in that township.

In each township the following taxes are levied annually, and collected with legal rigor, viz. the poll tax, state tax, county tax, township tax, road tax, poor tax, school tax, and clergy tax ; and these taxes are generally very punctually paid.

The school tax amounts to about fifty dollars in each district, or nearly one dollar for each scholar. In each township, a school agent is annually elected for each district, who hires a schoolmaster for about three months in each year, which are usually the winter months.

The salary of the schoolmaster is from twelve to fifteen dollars per month, besides his boarding, which is furnished in proportion by the wealthy citizens in each district ; and the schoolmaster's salary is paid by the township treasurer, on the order of the agent. The agent frequently visits the school, and can dismiss the master at pleasure ; but he gen-

crally assembles the heads of families for advice, when any thing extraordinary occurs. The land-owners in each district furnish a school-house and their proportion of fuel.

The schoolmasters are either students at College, who teach during the vacations, or the best qualified young farmers, who are not engaged in their ordinary business during the winter.

The schoolmaster rarely objects to boarding about among the farmers, eight or ten days in a place; because he is generally acquainted with all his neighbors, and his ancestors have tilled the same field two hundred years before him. He is pleased with the good cheer, hearty welcome, and the "tales of other times," which await him; and the old man is pleased with the master's polite attention to his family, and the innocent amusements which beguile the long winter evenings.

The course taught in these schools, includes spelling, reading, writing, arithmetic, English grammar, geography and the rudiments of rhetoric. Each school is furnished (by the State) with the Constitution of the United States and of the State of Massachusetts, bound together in neat volumes, which are ordered to be read through several times by the higher classes; and the parents furnish all the other books and stationary that are required.

The books generally used, are, Spelling Books, Reading Lessons, Grammars, Geographies and Dictionaries, of the most approved authors; and occasionally, Poetry and the works of taste.

The school agent requires the master to enforce a rigid discipline, a strict morality, and an unremitting attention to the several studies, while in school. The study of the Dictionary is very particularly attended to, and each of the higher classes is required, twice a day, to commit a page to memory. The class first spell and pronounce each word in the lesson correctly; the master then takes the book, and requires them to spell the words without the book, tell him the definition or meaning of each, and what part of speech it is; and if one word is missed, the book is thrown down, and the whole lesson must be studied again.

Those who have been through this course seldom have occasion to look into a Dictionary again, until advanced life impairs the memory.

The constitutions are read so frequently, that it is a dull boy of twelve or fourteen years, who cannot recite at pleasure any clause of these "supreme laws of the land."

The study of English Grammar is continued until the most difficult sentences in blank verse, &c. are parsed with facility, and a correct knowledge of the language obtained.

In Geography, the most important particulars are committed to memory; and in Rhetoric, some of the best orations and extracts from plays are committed to memory, and pronounced in school, by the first class, for the purpose of wearing off bashfulness, acquiring the proper gestures and the various modulations of the voice, so requisite in public speaking; and at the close of the quarter, a public exhibition before the parents and others is announced.

The system of common schools established in Massachusetts, is, in my opinion, the best institution of the kind that is to be found any where; because it is attended with the least expence; it is managed by the people themselves, and

it furnishes an education which is the best adapted to the practical duties of life.

It is not expected that the same plan will prove equally beneficial in every community; because much depends on the manners and customs peculiar to each section of our country. The ardent spirits of the south and west, will never be softened into that patriarchal simplicity of manners so prevalent in the north.

Our boys and girls from the age of fourteen to eighteen, will never pursue their studies together in the same school room with regularity, and whisper the tale of love at night with impunity.

Our population is composed of adventurers from every State and country, who *will* "carve for themselves;" and when we assimilate, and form a general character, it will be essentially different from that exhibited by the north.

I have dwelt with too much fondness on the customs and manners of my ancestors, and detailed, with a tedious minuteness, the principles and practice of that institution, to which I am indebted for what little I know of the rudiments of science; but the outline of this rough sketch, may afford some hints, which will be useful in forming a plan for the establishment of public schools.

I am, very respectfully,

Your obedient humble servant,

A. BOURNE.

WM. T. BARRY, Esq. Lexington, Ky.

CHARLESTON, August 10th, 1822.

Gentlemen :

I received, yesterday, your Circular dated the 13th March. Believing that the welfare of our beloved country depends on the general diffusion of knowledge, I take the earliest opportunity of complying with your request, and will endeavor to put you in full possession of all the information afforded by the experience of South Carolina, on the subject of education. I shall not attempt to answer your questions in the order in which they are stated; but will furnish all the information I possess, and leave you to make such use of it as you think proper.

The legislature of South Carolina, by an act which bears date 21st December 1811, established Free Schools in every part of the State. A copy of that act is enclosed, for your perusal. You will perceive, that the plan of this act was, to appropriate three hundred dollars for every representative in the popular branch of the legislature, (the whole number of which is one hundred and twenty-four,) making the annual appropriations for free schools \$37,000. This sum has been appropriated every year since, out of the public treasury, and is provided for in the general estimates on which our tax bills are founded. The free schools, therefore, are *chargeable entirely on the revenue of the State*; and \$37,000 dollars is annually appropriated for the purpose, payable as in other cases, "out of any money in the treasury not otherwise appropriated." You will perceive, further, that the *management* of the free schools is given exclusively to certain *Commissioners*, appointed at stated periods, by the legislature, in the several districts. These commissioners have power to fill up vacancies during the recess of the legislature. They have the power of establishing schools within their respective districts, according to any plan of which they may approve, provided they do not draw warrants on the treasury for greater amounts than the law permits. The original plan certainly was, to have a number of schools in each district, equal to the number of representatives; and it was supposed, that teachers could be procured for three hundred dollars, the amount appropriated. But the commissioners, being authorised to do so, have generally thought it expedient to lessen the number of schools, and increase the salary of the teachers; and in Charleston, where this principle has been pushed further than any where else, instead of appointing sixteen teachers, with salaries of three hundred dollars each, we

have but four schools, and the teachers receive \$1,200 each.

The act itself, which is enclosed, will furnish a satisfactory answer to many of your questions. I will add a few particulars, not to be collected from that source.

The number of schools in each district being equal to the number of representatives, does not apportion them exactly to the *population* of these districts, inasmuch as our constitution fixes the representation on a *compound ratio* of taxation and population. Charleston, for instance, would, from population alone, be entitled only to about nine representatives, (and of course to nine schools,) but our wealth would entitle us to a greater number. The combined ratio gives us sixteen representatives, and consequently sixteen schools, for each of which we are entitled to three hundred dollars per annum out of the treasury.

Only one or two modifications have been adopted in our free school system, since its establishment. Leave has been granted to the commissioners to send their *scholars* to other established schools; and the commissioners have been also authorised to draw on the treasury for the unexpended balances of former years. In some of the districts, it was at one period found impracticable to procure teachers, and the first of the above provisions was made to meet that case. In other districts, it was supposed that (from the scattered population and other causes) free schools could not be established to advantage. In consequence of this, such a clamor was raised against the system, that it was, on one occasion, preserved by a single vote in our senate. To appease all parties, it was finally agreed, that each district should have annually put to its credit, on the books of the treasury, the amount of the appropriation; and that this should be suffered to accumulate, for the exclusive use of such district, for the purposes of schools, and to be drawn for when it could be advantageously expended. This satisfied the malcontents, and in a year or two it was found that schools were in operation in every district of the State.

For some years after the establishment of the Free Schools, they certainly failed to realize the sanguine expectations of their friends. *The scattered state of our population* was the chief cause of our failure. In the *low country*, (particularly in that portion cultivated in rice,) the inhabitants generally abandoned their plantations in the summer season; and, of course, free schools could not be permanently established there. Where summer retreats, in the pine bar-

rens or on the sea-coast, were resorted to, schools, during the summer months, were at first instituted; and latterly, it has become customary to establish schools permanently in such situations. Still, it must be admitted, that in all situations where the population is very much scattered, the success of the Free Schools has been very partial and limited. The great expence of boarding, and the impossibility of daily sending children many miles to school, are the causes of this failure. In every district, however, experience has taught the commissioners *how to arrange their schools*, so as to accomplish, in the greatest possible degree, the benevolent objects of the legislature. In some places, the location of the schools is changed every two or three months; in others, private teachers have been encouraged to establish private schools, on the promise of a certain number of free school children; while small sums are sometimes paid to persons not professed teachers, for the education of a few of the neighboring children. By these and other contrivances much good unquestionably results from our free schools, even in districts the most unfavorable to their success. The clamor, which was very strong against them several years ago, has entirely ceased; and, though some money has been wasted, and more has been injudiciously expended, yet much benefit has been already experienced, and the people are gradually progressing in intelligence and virtue. In all our *villages and towns*, and especially in Charleston, the success of the system has been complete. Indeed, wherever the population is such as to furnish fifteen or twenty scholars within the compass of a few miles, it is impossible that the plan can fail, unless its direction should be committed to dishonest or incompetent men. In Charleston, we have four teachers, with a salary of \$1,200. Each of these teachers is required to instruct from 60 to 80 scholars; which, by the *partial* introduction of the Lancasterian plan, they perform with great ease. Our commissioners are men in all respects qualified for the task; our teachers are all *eminently* qualified, and we have, on an average two hundred and fifty children well educated, on the free school establishment in Charleston; as well educated, I think, in the usual branches of an English education, (viz. reading, writing, arithmetic and geography,) as any children can be, in any part of the world. Perhaps our funds would enable us to educate a greater number of children in this City, if there existed a necessity for it; but we have so many charitable establishments for the education of poor

children, that *every such child is amply provided for*. In our Orphan House establishment, there are upwards of two hundred children clothed, boarded and educated. Our Fellowship Society, educates one hundred; the South Carolina Society, one hundred and fifty; the Ladies', and other minor societies, at least one hundred and fifty more; and finally, the Free Schools, two hundred and fifty. I believe many get their children well educated gratuitously, who can afford to pay, whilst no individual is excluded by poverty from giving his children a good education.

I have thus given you a rough sketch of our free schools, and will add my thorough conviction that the benefits resulting to the state from the establishment, would be cheaply purchased at double the present expenditure, and yet there are evils and abuses in the system. Among them, one that calls loudly for a remedy is *the want of responsibility* in the commissioners. In many parts of the country, men of great respectability and talents, and what is still of more consequence, men zealous in the work, are commissioners. But in other places, indolent men, without any qualifications, and in some few cases, speculators, have obtained the direction of the fund, and of course have wasted or applied it to their own purposes, or those of their friends.

The remedy for this evil, is to make the commissioners responsible, and to secure their responsibility. The law now requires only an annual report to the legislature; but even this cannot be enforced. Every report is imperfect. I send you two of them for your information; as far as they go, they may be relied on. We could not give salaries to the commissioners, nor require security from them, but we could extend *privileges*, such as an exemption from taxation, from serving on juries, or from performing militia or patrol duty. These, or any similar privileges, if they could have the effect of inducing respectable and intelligent men to *covet* the office of a commissioner, would be attended with the happiest consequences, as it would enable us to insist on their making regular reports, and in other respects complying with such regulations as the legislature might prescribe. It affords me pleasure to believe, that the only serious difficulty we have encountered in establishing Free Schools in South Carolina, (that is, our scattered population,) will probably not be experienced in Kentucky, or will certainly cease to exist in a very few years.

Having written thus far, I turned to your letter and read over the questions again, and find I have not answered all

of them. I will therefore endeavor, very briefly, to supply the deficiency.

Our teachers receive *salaries*, and *board* themselves; and the salaries are increased or diminished according to the number of scholars. Teachers are required to be *well qualified* to teach the usual branches of an English education.

Children, *male and female*, are sent to *the same school, under masters*. In Charleston, we once employed a female teacher for the girls. We thought it a cheaper and better plan, than to send them to the common schools. This school has however been discontinued, I think, for no sufficient reason.

The teachers are dismissed at the pleasure of the commissioners; who also determine what children shall be admitted. The children of the poor are *preferred*; but if there is room, none are refused. With very few exceptions, however, the children of the poor only, are educated in the free schools.

The children find their own books, except some Spelling Books, which the legislature ordered to be distributed among the schools.

I believe I have now given you all the information I possess, on the subject of free schools. You are aware, of course, that a College has been for many years established, and is now supported by the bounty of the State, at Columbia, the seat of government. If you desire any information on that subject, it can perhaps be better furnished by Judge Desaussure, or some other gentleman who resides in that place.

It will afford me pleasure, to know that this communication has come safe to hand; and with my best wishes for the success of all your plans on the subject of education, and the prosperity of your great and rising State, I beg leave to subscribe myself, gentlemen, with the highest respect,

ROBERT Y. HAYNE.

Ordered, That the public printers forthwith print 1000 copies of said documents for the use of the members of the legislature.

Mr. Flournoy from the joint committee appointed to examine the Bank of Kentucky, made the following report, to wit:

The joint committee appointed to examine the situation of the Bank of Kentucky and its branches, beg leave respectfully to submit the following report.

The annexed table marked (A.) shews the situation of the institution up to the 15th of October 1822. The aggregate of capital stock is 2,449,120; whereof 566,700 is owned by the state, and 1,852,420 by individuals and corporate bodies. The amount of issues or notes in circulation, is 1,017,003 49 cents; the cash on hand is 978,114 97, of which 272,569 64 is specie. Paper of the bank emitted at one and collected at another of the offices is 418,650 36; notes on the Bank of the Commonwealth of Kentucky, 274,174 47; foreign notes, good, and in credit 6,758; notes uncurrent, insolvent and counterfeit 5,962 50; the debts due the institution is 3,205,747 26. The arrears of interest and damages due upon suspended debts are not taken into this calculation. The deposits are subject to the following specialties: Balance due from the different offices, each to the other. 110,143 33; specie 18,730 85; notes of the Bank of the Commonwealth 192,095 55; current foreign notes 4,675; applicable alone to commitment in bank 4,746 96. Thus leaving the bank only responsible in their own notes or their equivalent, for 403,278 of deposits. There has been reclaimed of the issues by collections and receipts of the paper of the parent bank and branches, the sum of 418,650 36; reducing the amount of paper of the institution that is in circulation to 598,353 13; the real estate of the bank is estimated at 165,511 73; the banking houses are valued to 63,978 82; which sum deducted from the total valuation of the real property of the corporation, will give the amount of debt that has been extinguished by the receipts of real estate; which amount is 101,532 91. There has been taken up by, and surrendered to the institution 3,514 shares of stock.

Your committee attempted, in conformity to that branch of the resolutions requiring of them to ascertain and state the debts due by each individual stockholder, and their responsibilities to the bank and branches, but were unable to effect that object relative to the branches; none of whom, in their quarterly returns, have given any information on the subject, beyond the amount of stock pledged for the payment of debts.

Your committee are apprised that the ascertainment of this fact, would be a work of much labor, and require more time than they have, from the advanced period of the session, to complete it. To do it satisfactorily and correctly, the parent board would have to make out copies of the register of the names of the stockholders, and the amount of stock

owned by each individual stockholder, and forward it to each of the branches; the register of stock being only kept at the mother bank. To require this of the officers of the mother bank, and await the return of the reports of the branches, would procrastinate the report of your committee to a period beyond which time we hope the session of the legislature will have closed its labors. Desirous however, to comply as far as practicable, we have required of the parent bank an expose of the individual responsibilities of the stockholders indebted to that office, which will be found in the annexed table marked (B.) The subjoined table (C.) will show the amount of stock of the respective branches; the amount of specie, Kentucky, Commonwealth's paper, &c. that is on hand.

Your committee required of the officers of the bank, a statement of the amount of debts which are secured by pledges of stock, and received the information that there is on loan by the bank 453,392 79, on a pledge of 5953 shares. Estimating the shares at par value, and the bank has pledged 595,300 for the payment of 453,492 79.

Your committee have turned their attention to the solvency of the debts due the institution, and received from the president in substance the following information: 'No general scrutiny has been instituted into the character of the debts to the bank since the date of the estimate of its worth, which was submitted to the general assembly in October 1821. That estimate was designed to represent the true situation of the corporation, and no doubt did so, as far as the nature of things allowed; but in estimates so hypothetical, as all speculations upon individual circumstances necessarily are, certainty or precision are neither to be attained nor looked for. Hence it has happened, that debts viewed at that time as unquestionable, have been since developed to be equivocal, whilst others regarded as precarious, have been partially or entirely secured or realized. Upon the whole, there has perhaps been no material change.' They have thought proper to ascertain the amount of debt due from the institution to the Bank of the United States. The result of that enquiry terminated in the ascertainment of the fact, that there is at this time only due to the Bank of the United States \$10,565 31.

Your committee, contrasting the situation of the Bank of Kentucky, with specie paying banks of the several states of the Union, would beg leave, by way of illustrating and supporting an opinion common to the committee, that

though she is in fact unable at this moment to redeem her paper that is in circulation, or to resume specie payments immediately, yet she will be ultimately able in good faith to discharge her debts, and is at this time in as good or better situation than a majority of the specie paying banks of the sister states, or the much boasted bank of the nation. We should like to have brought in review before the general assembly, the condition of each of those banks; but for fear of incurring the invidious displeasure of the several corporations of the sister states in which we have no interest, we will only call the attention of the legislature to the situation of the national bank. By the meeting of the stockholders on the 1st of October 1822, and from their report, we learn she has in circulation 5,456,891 90; on deposit 8,871,132 38; making her total commitment 14,328,024 28; to redeem which, she has on hand 3,346,434 22 in specie; with a redeemable fund of 1,475,593 53; making her total means of redemption 4,822,027 75; which taken from the total commitment leaves a balance against her of 9,503,907 78, irredeemable other than by the debts due the institution. It also shews that she has in circulation \$2 96 cents in paper, for every specie dollar in her vaults, which is a greater disproportion than that of the Bank of Kentucky.

Your committee would not be understood in making these remarks as desiring to distrust the powers of the Bank of the United States to redeem her paper in circulation; but having the utmost confidence in the ability of that corporation to discharge its debts, have thought proper to exhibit this calculation to remove the erroneous impressions that have gone abroad, prejudicial to the solvency of the Bank of Kentucky, with a hope that it might have some faint influence in restoring the unwarranted depression of its paper, and assist in elevating it to its proper standard with her sister banks of the Union.

Your committee, in dismissing this subject, feel it a duty they owe to society to express their confident belief, that the institution will be able, as speedily as the situation of the country will permit, to wind up its business, and finally, to discharge its debts to the ultimate satisfaction of the holders of its paper.

From the Senate,

M. FLOURNOY,
JEROBOAM BEAUCHAMP.

From the House of Representatives,

WM. B. BOOKER,
J. M. BLAKEY,
CRAVEN P. LUCKETT,
GEO. WOOLFOLK,
D. G. COWAN.

(A.)

Situation of the Bank of Kentucky, October 15th, 1822.

OFFICE	CASH ON HAND	DEBTS TO BANK.	DEPOSITES.	ISSUES	STOCK.
Washington	59,130 15	213,035 67	42,202 41	34,097 00	195,200
Paris	64,919 39	148,340 37	45,503 97	27,528 00	144,000
Winchester	27,975 17	139,573 26	31,790 08	25,009 80	114,300
Lexington	204,896 99	188,261 15	136,509 30	20,885 00	248,400
Frankfort	82,545 5	898,155 25	139,048 10	235,532 50	573,520
Shelbyville	30,015 69	139,391 50	27,880 30	36,987 25	110,000
Louisville	157,635 52	233,764 74	112,674 84	30,999 00	255,500
Bardstown	64,130 89	126,563 34	30,091 12	71,051 25	106,500
Springfield	39, 17 00	154,267 17	17,047 79	75,008 00	100,000
Danville	69,132 12	152,566 01	16,796 10	70,609 38	130,600
Richmond	42,495 81	158,971 00	42,770 92	38,902 75	116,900
Glasgow	26,548 77	180,951 73	14,273 80	102,800 00	99,700
Russellville	59,291 98	260,701 28	50,958 16	130,871 00	134,500
Hopkinsville	49,960 04	211,204 29	26,108 06	116,722 50	120,000
DOLLS.	978,114 97	3,205,747 26	733,669 95	1,017,003 49	2,449,120

Cash,	978,114 97	Deposites,	733,669 95
Debts to Bank,	3,205,747 26	Issues,	1,017,003 49
Real Estate,	165,511 73	Stock,	2,449,120 00
	4,349,373 96		4,199,793 44
Running Expenses,	16,482 16	Reserved fund,	119,417 04
		Running profits,	46,645 64
	\$ 4,365,856 12		\$ 4,365,856 12

The Cash is composed in the following manner, viz.

Specie,	272,569 64
Paper of the Bank, emitted at one and collected at another office,	418,650 36
Notes of the Bank of the Commonwealth of Kentucky,	274,174 47
Foreign notes, good and in credit,	6,758 00
Notes uncurrent, insolvent or counterfeit,	5,962 50
	978,114 97

The head of "Debts to Bank" comprehends every species of liability or obligation to the institution, except the arrears of interest and damages due upon suspended debts. The deposits are subject to the following specialities, viz.

Balances due from offices, each to the other,	110,143 33
Specie,	18,730 85
Notes of the Bank of the Commonwealth,	192,095 55
Current Foreign Notes,	4,675 00
Applicable alone to commitments in bank,	4,746 96
	<hr/> 380,391 69

Thus leaving the bank only responsible under that head in its own notes or the equivalent, 408,278 26

788,669 95

There has been reclaimed of the issues through collections at the respective offices, the sum of,

418,550 36

Reducing the circulation thereby to,

598,353 13

1,017,008 49

The State holds of the stock,

596,700 00

Individuals and corporate bodies,

1,852,420 00

2,449,120 00

The real estate consists of the bank houses, property acquired of debtors through amicable arrangements or under execution.

The reserved fund has been augmented since October 1821, from the sum of \$69,559 87, to the present amount.

At the time the foregoing report was prepared, this institution held 3464 shares; since which, 50 shares have been purchased.

Banking houses amount to \$63,979 82

(B.)

A List of Shareholders who are debtors to the Bank of Kentucky.

<i>Names of Shareholders.</i>	<i>No. of Shares.</i>	<i>Am't. of debt.</i>	<i>Amount of responsibility.</i>
Robert Alexander	26	1,600	2,960
John Brown	23	4,700	1,972
Herman Bowmar	5	2,674	1,507
Anthony Butler	13	1,655	
John J. Crittenden	17	3,087	13,963

THE SENATE.

225

<i>Names of Stockholders.</i>	<i>No. of shares.</i>	<i>Am't of debt.</i>	<i>Amount of responsibilities.</i>
James Crutcher	20	486	
Jacob Castleman	22	7,696	12,866
Henry Crittenden.	5	3,350	1,415
Thomas Duley, jun.	34	2,586	
Peter Dudley	8	700	
John M. Foster	5	950	2,070
Thomas Fletcher	30	3,966	51 8,878
Willis Field	14	1,590	1,410
Nathaniel Hart	65	4,700	2,000
Martin D. Hardin	20	4,750	19,576
John Harvie	89	2,000	1,592
David C. Humphreys	1	2,600	224
James Hughes	31	1,330	
Charles Julian	26	300	1,874
Ann Innis, devisee, &c.	41	2,450	
Thomas Major	4	803	3,088
Alexander Macey	6	3,700	10,571 54
Charles Miles	150	5,000	2,425
James Morrison	49	2,322	13
John M'Kinney, jun.	20	4,200	1,569
Louis Marshall	16	980	
John Pope	182	7,226	70 2,058
Peter Simmerman	70	2,350	566
Achilles Sneed	68	5,000	
James Smiley	217	4,032	
William Suggett	4	384	840
James Snell	2	160	792
Searcy and Thurston	30	1,250	
Edmund Searcy	15	500	
Joseph Smith	2	1,249	13,030
Thomas S. Slaughter	15	2,440	400
James Taylor	100	1,881	4,482
Isham Talbot	100	1,920	
Benjamin Taylor	32	4,994	3,169
John Trimble	10	850	
Peter G. Voorhies	12	5,040	11,028
Daniel Weisiger	5	3,440	2,886
Samuel M. Wallace	60	1,646	
David Walker	12	1,300	
Oliver G. Waggener	13	4,450	6,526
Joseph Weisiger	5	1,502	552

1,694 121,790 54 136,295 54

2 D

(C.)

CASH ON HAND 15TH OCTOBER, 1822.

OFFICE.	SPECIE.	KENTUCKY NOTES.	COMMON- WEALTH.	UNCUR- RENT.	FOR- EIGN
Washington	19,523 15	32,955 25	5,961 75		690
Paris	17,213 15	39,544 39	5,009 05	373 00	2780
Winchester	3,601 42	20,097 75	3,776 00		£00
Lexington	26,888 71	116,226 00	60,634 28	48 00	1700
Frankfort	28,650 50	22,559 25	29,935 00	1,273 50	127
Shelbyville	5,690 69	15,243 00	8,823 50	258 50	
Louisville	31,096 77	83,379 50	43,054 25	125 00	
Bardstown	19,589 67	16,049 72	27,980 50	511 00	
Springfield	13,606 50	3,281 00	22,196 50	333 00	
Danville	27,610 37	30,296 00	11,225 75		
Richmond	16,109 06	16,531 75	9,015 00		840
Glasgow	11,160 59	1,926 00	12,595 18	867 00	
Russellville	26,366 48	8,303 50	23,499 50	1,116 50	6
Hopkinsville	25,462 58	12,257 25	11,068 21	1,057 00	115
DOLLS.	272,569 64	418,650 36	274,174 47	5,962 50	6758

SPECIAL DEPOSITES.

Office.	Specie.	Commonwealth.	Foreign.	Applicable to pay'ts in F's
Washington;	3,639 82	8,032 31	690	2,165 71
Paris,	7,745 68	13,728 81	1445	
Winchester,				
Lexington,	840 50	41,337 00	1700	
Frankfort,	582 62	17,364 40		
Shelbyville,		8,990 00		389 42
Louisville,		9,790 25		
Bardstown,	1,560 00	14,824 00		
Springfield,		11,563 92		
Danville,				
Richmond,	2,417 18	8,300 00	840	
Glasgow,		2,252 17		865 86
Russellville,	1,944 05	31,260 63		1,325 97
Hopkinsville,		24,652 06		
	\$ 12,730 85	192,095 55	4,675	4,746 96

BANK OF KENTUCKY, November 21st, 1822.

Dear Sir :

In response to the several points of enquiry contained in your note of this morning, I now submit the following statements :

1st. There is due to the Bank of the U. States \$10,565 31.

2d. The debt upon a pledge of stock, is \$453,392 79; the number of shares pledged, 5,953.

3d. No general scrutiny has been instituted into the character of the debt to the bank, since the date of the estimate of its worth, which was submitted to the general assembly in October 1821. That estimate was designed to represent the true situation of the corporation, and, no doubt, did so, as far as the nature of things allowed; but in estimates so hypothetical, as all speculations upon individual circumstances necessarily are, certainty or precision are neither to be attained nor looked for. Hence it has happened, that debts viewed at that time as unquestionable, have been since developed to be equivocal, whilst others, regarded as precarious, have been partially or entirely secured or realized. Upon the whole, there has perhaps been no material change.

Very respectfully,

J. HARVIE, Pres't.

WM. B. BOOKER, Esq. Ch. on the part of
the H. R. of the joint Committee appointed to examine the Bank of Ky.

The following bills were reported, to wit :

By Mr. Pope—a bill making further donations to the Louisville Hospital.

By Mr. Beauchamp—a bill to amend an act entitled an act concerning public advertisements in certain cases, which were severally read the first time.

The rule being dispensed with, they were read a second time, and ordered to be engrossed and read a third time.

The former bill having been engrossed, was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act making further donations to the Louisville Hospital,' and that Mr. Pope inform the house of representatives thereof.

An engrossed bill to establish a Lunatic Asylum was read a third time and committed to Messrs. Marshall, Carleal and Flournoy.

Mr. Marshall reported it with an amendment, which was concurred in, and the bill having been re-engrossed, was read again.

The question being taken on the passage of said bill, it was resolved in the affirmative—Yeas 16, Nays 15.

The yeas and nays being required thereon by Messrs. Gorin and Beauchamp, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Beauchamp, Carneal, Ewing, Flournoy, Hickman, Howard, Marshall, M'Afee, Pope, Smith, Towles and Ward.

Those who voted in the negative are: Messrs. Bowman, Cowan, Davidson, Dawson, Faulkner, Gorin, Lackey, Lyon, Miller, Mountjoy, Morehead, Parker, White, Williams and Worthington.

Resolved, That the said bill do pass, and that the title be, 'an act to establish a Lunatic Asylum,' and that Mr. Howard inform the house of representatives thereof.

The senate received several messages from the house of representatives, announcing the passage of the following bills, to wit:

An act for the better regulation of the town of Cadiz, Kentucky.

An act for the benefit of Constant A. Wilson and others.

An act for the benefit of the widow and heirs of William Chinn.

An act for the benefit of the heirs of Claiborne Walton, deceased.

An act establishing a ferry from the land of William Corkrell in Union county.

And a resolution requesting the Secretary of State to transmit the laws &c. of this state to the public library at Washington City, and obtain in exchange the laws of the United States and the reports of the Supreme Court.

Bills from the house of representatives of the following titles, to wit: 1. an act for the benefit of the administrator of Isabella Razer, deceased; 2. an act to extend the powers of the trustees of Shippingport; 3. an act to authorize a sale of the real estate of Turner Bottom, deceased; 4. an act for the benefit of John P. Thomas; 5. an act to extend the powers of the trustees of the town of Lexington; 6. an act for the relief of the sheriffs of Union and Butler counties; 7. an act giving additional powers to the trustees of Louisville; 8. an act to alter the mode of summoning petit jurors; and 9. an act to amend an act entitled an

act regulating endorsements on executions, were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the 1st, 2nd, 3rd, 4th, 5th and 6th bills were read a second time, the second amended at the clerk's table, and the first, second, third and fourth bills read a third time.

Resolved, That the first, second, third and fourth bills do pass, and that Mr. Ward inform the house of representatives thereof.

The fifth was committed to Messrs. Pope, Carneal and Marshall, and the sixth to Messrs. J. L. Hickman, Flournoy and Lyon.

Ordered, That the public printers print 50 copies of the 8th bill for the use of the senate.

And then the senate adjourned.

TUESDAY, DECEMBER 3, 1822.

The senate assembled.

The Lieutenant Governor appeared and resumed his duties.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit :

An act to amend the several acts concerning working on roads.

An act for the benefit of the trustees of the town of Columbus.

An act for the benefit of Jarmin Hukill and others.

An act for the benefit of the heirs of John Allen.

An act for the benefit of the widow and heirs of Leonard Robertson, deceased.

An act for the relief of Joseph Watts and the heirs of Daniel North.

An act for the benefit of the creditors of Jacob Anderson, deceased.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

The following bills were reported by the select committees to whom they were referred, to wit:

By Mr. Pope—1. a bill from the house of representatives changing the time of holding the Jefferson and Washington circuit courts.

And by Mr. Flournoy—a bill for the relief of the sheriffs of Union and Butler counties; severally with amendments, which were concurred in and the bills read a third time.

Resolved, That said bills do pass, and that the titles be respectively, 'an act to alter the time of holding certain circuit courts, and an act for the relief of certain sheriffs.

Ordered, That Mr. Pope inform the house of representatives thereof.

The following resolution was taken up and adopted, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That the public printers shall be, and are hereby authorised and required, to print with the acts of the present session, such notes of reference to the acts of preceding sessions, as may be furnished by William Littell: *Provided*, such notes shall be furnished in such time, as to occasion no delay in printing the acts of this session, or any of them.

Ordered, That Mr. Owens inform the house of representatives thereof.

Mr. Ward from the select committee to whom was referred a bill from the house of representatives to alter the time of holding certain circuit courts, reported the same with amendments, which was then committed to the committee of propositions and grievances.

Mr. Towles presented the petition of sundry citizens of Hopkins, Livingston and Union counties, praying the formation of a new county out of parts of each of said counties.

Mr. Lyon presented the remonstrance of sundry citizens of said counties against it, which were read and referred to the committee of propositions and grievances.

Mr. Ward moved to reconsider the vote given on Saturday whereby a bill from the house of representatives further to exempt certain property from execution was laid on the table until the first day of June next.

And the question being taken thereon, it was resolved in the negative—Yeas 15, Nays 18.

The yeas and nays being required thereon by Messrs. Towles and Davidson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barrett, Beauchamp, Carneal, Ewing, Gorin, Lyon, Marshall, M'Affee, Mountjoy, Morehead, Rudd, Smith, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barbee, Bowman, Carpenter, Cowan, Davidson, Dawson, Faulkner, Flournoy, J. L. Hickman, Howard, Lackey, Miller, Parker, Pope, Towles and Williams.

The senate received information by Mr. Anderson, that the Governor did, on the 2nd instant, approve and sign sundry enrolled bills which originated in the senate, of the following titles, to wit:

An act for the benefit of James Woods.

An act for the benefit of the heirs of Lewis Masquiere and others.

An act for the benefit of William B. Long.

An act for the relief of Walter Emmerson, Sheriff of Wayne county.

An act to amend an act for the benefit of Harlan county.

An act to regulate the right of suffrage in the county of Lawrence.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The senate received several messages from the house of representatives announcing that they had concurred in the amendments made by the senate to bills of the following titles, to wit:

An act enlarging the powers of the trustees of the town of Shippingport, and an act altering the time of holding the Washington and Jefferson circuit courts; that they had passed a bill from the senate forming an election precinct in Garrard county, and had disagreed to a bill from the senate for the benefit of James Gilmore and others; and that they had passed bills of the following titles, to wit:

An act authorising an additional loan to the Penitentiary.

An act to enlarge the Penitentiary.

An act for the benefit of the widow and heirs of William Findley.

An act to appropriate the lands East of Tennessee River, and between Walker's line and latitude 36° 30' north.

An act to alter the time of holding certain circuit and county courts.

An act for the benefit of the heirs of Elijah W. Dulany, deceased.

An act imposing a duty on sales at auction in the county of Fayette for the benefit of the Law department of Transylvania University.

Ordered, That the committee of the whole house on the state of the commonwealth, be discharged from the further consideration of a bill to amend the several acts concerning champerty and maintainance.

Mr. Howard moved to lay the bill on the table until the first day of June next, and the question being taken thereon it was resolved in the negative—Yeas 15, Nays 16.

The yeas and nays being required thereon by Messrs. Beauchamp and Miller, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Bowman, Cowan, Davidson, Dawson, Faulkner, Flournoy, Henderson, Howard, Marshall, Owens, Smith, Towles and White.

Those who voted in the negative are: Messrs. Barbee, Barrett, Beauchamp, Carneal, Carpenter, Ewing, Gorin, J. L. Hickman, Lyon, M'Affee, Miller, Mountjoy, Morehead, Parker, Pope and Worthington.

The question was then taken on engrossing and reading said bill a third time and it was resolved in the affirmative—Yeas 20, Nays 14.

The yeas and nays being required thereon by Messrs. Beauchamp and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Barrett, Beauchamp, Carpenter, Ewing, Gorin, J. L. Hickman, Lackey, Lyon, M'Affee, Miller, Mountjoy, Morehead, Parker, Pope, Towles, Ward, White, Williams and Worthington.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Bowman, Carneal, Cowan, Davidson, Dawson, Faulkner, Flournoy, Henderson, Howard, Marshall, Owens and Smith.

Mr. Carneal from the select committee to whom was referred a bill authorising resident *femes covert* to make powers of attorney, reported the same with an amendment, which was concurred in, and the bill having been engrossed was read a third time.

Resolved, That the said bill do pass, and that the title be, 'an act authorising resident *femes covert* to make powers of attorney, and that Mr. Carneal inform the house of representatives thereof.

Engrossed bills, to wit: 1. a bill to establish the town of Wadsborough, in the county of Calloway, and to provide for the sale of lots in said town; 2. a bill providing for the more speedy sale of articles manufactured in the Penitentiary; 3. a bill to improve the navigation of the Kentucky River; 4. a bill to provide for limitations in certain cases; and 5. a bill for the relief of the poor, were severally read a third time.

The question being taken on the passage of the third bill, it was resolved in the affirmative—Yeas 17, Nays 17.

The yeas and nays being required thereon by Messrs. Bowman and Rudd, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barbee, Beauchamp, Carneal, Davidson, Ewing, Faulkner, Gorin, Howard, Lyon, Marshall, M'Affee, Pope, Towles, White, Williams and Worthington.

Those who voted in the negative are: Messrs. Ballinger, Barrett, Bowman, Carpenter, Cowan, Dawson, Flournoy, Henderson, J. L. Hickman, Miller, Mountjoy, Morehead, Owens, Parker, Rudd, Smith and Ward.

Whereupon the Lieutenant Governor voted in the affirmative.

Resolved, That the first, third, fourth and fifth bills do pass, and that the titles be, 'an act to establish the town of Wadsborough in the county of Calloway and to provide for the sale of lots in said town; an act to improve the navigation of the Kentucky River; an act to provide for limitations of actions; and an act for the relief of the poor.'

Ordered, That Mr. Ward inform the house of representatives thereof.

The second bill was committed to messrs. Beauchamp, Flournoy and Marshall.

A bill from the house of representatives authorising an additional loan to the Penitentiary was read the first time.

The rule being dispensed with, it was read a second time and committed to messrs. Carneal, Marshall and Flournoy.

And after some time Mr. Carneal reported the bill with an amendment, which was concurred in and the bill read a third time.

Resolved, That said bill as amended do pass, and that the title be, 'an act providing for the payment of a part of the debts due by the Penitentiary,' and that Mr. Owens inform the house of representatives thereof.

On the motion of Mr. Ward, leave was given him to report a bill to provide for the correction of an error in the

conveyance of two lots in the town of Greenupsburg, which was read the first time.

The rule being dispensed with, it was read a second and third times (having been engrossed.)

Resolved, That the said bill do pass, and that the title be, 'an act to provide for the correction of an error in the conveyance of two lots in the town of Greenupsburg,' and that Mr. Ward inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they had concurred in an amendment made by the senate to a bill authorising an additional loan to the Penitentiary.

Ordered, That Mr. M'Alce be appointed chairman to the committee to whom was referred so much of the Governor's message as relates to Education in the place of Mr. Roper.

Ordered, That a message be sent to the house of representatives, requesting leave to withdraw a joint resolution referring the report of the commissioners on the subject of schools, and that Mr. Ewing carry said message.

Bills from the house of representatives of the following titles, to wit:

An act for the benefit of the heirs of Claiborn Walton, deceased.

An act for the benefit of the widow and heirs of William Chinn.

An act for the benefit of the wife and children of Lawrence Flournoy.

An act for the benefit of the widow and heirs of Benjamin True.

An act providing for copying certain records in the surveyor's office of Fayette.

An act for the better regulation of the town of Cadiz, Kentucky.

An act for the benefit of Constant A. Wilson and others.

An act for the benefit of Joseph Hufford.

An act for the benefit of the infant heirs of James Shannon.

And an act directing the county court of Garrard to purchase tools for the repair of the Kentucky cliff, were severally read the first time.

The rule being dispensed with, they were read a second time and the nine former a third time.

Resolved, That the nine former bills do pass and that the clerk inform the house of representatives thereof.

The tenth bill was committed to messrs. Carpenter, Faulkner and Flournoy.

A bill to prevent the circulation of private printed notes was read a second time and committed to messrs. Flournoy, Marshall, M'Afee and Blackburn.

A resolution from the house of representatives providing for the transmission of the laws and reports of this state to the general government, was taken up and concurred in.

Ordered, That the clerk inform the house of representatives thereof.

And then the senate adjourned.

WEDNESDAY, DECEMBER 4, 1822.

The senate assembled.

Mr. Rudd presented the petition of sundry citizens of Fleming county, praying that they may be added to Nicholas county.

Which was read and referred to messrs. Rudd, M'Afee and Ward, with leave to report by bill or otherwise.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit:

An act to extend the powers of the trustees of the town of Lexington.

An act for the benefit of John P. Thomas.

An act for the benefit of the administrators of Isabella Razor, deceased.

An act to authorise the sale of the real estate of Turner Bottom, deceased.

An act to provide for paying part of the debts due from the penitentiary.

An act to extend the powers of the trustees of Shippingport.

An act to alter the time of holding certain circuit courts.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

The following reports of committees appointed to examine the reports of the branches of the Bank of the Commonwealth, were received, to wit :

The joint committee appointed to examine the report from the Branch Bank of the Commonwealth in the fifth and thirteenth judicial districts, have examined the same, and now report, that, so far as their knowledge extends, the debts due to said bank are generally well secured.

From the Senate,

ALEXANDER POPE.
SAMUEL CARPENTER,
CHRISTO. MILLER.

From the House of Representatives,

THOMAS SPEED.
CRAVEN P. LUCKETT,
SQUIRE LARUE,
MARTIN HARDIN,
LEWIS WILCOXON.

Pursuant to a joint resolution of both houses of the legislature, we, the undersigned representatives of the eighth bank district, have had under consideration the report from said Branch Bank, and are pleased to find, that the concerns of that institution, so far as can be learned from an inspection of said report, have been conducted in the true spirit of its organization. But few individuals have obtained the maximum which was allowed ; nor more than three directors, obtained the full amount they could draw. The debts due said bank, with very few exceptions, are well secured, either by personal security or mortgages on real estate. We find some of the directors have not paid the calls on their loans. All of which is respectfully submitted.

From the Senate,

GR. BOWMAN,
WILLIAM OWENS,
ELIAS BARBEE,
JOHN GORIN,

From the House of Representatives,

WM. PATTERSON,
GEORGE SWOPE,
WILLIAM BUCKNER,
RICH^d. I. MUNFORD,
WADDY THOMPSON,
JAMES G. HICKS,
LEMUEL WILLIAMS,
ROBERT POWELL,
JAS. C. SYMPSON.

The joint committee to whom was referred the examination of the report of the Branch Bank of the Commonwealth of Kentucky, located at Winchester, have had the same under their consideration, and find that the funds of said institution have been loaned upon notes which they are inclined to believe entirely safe, and that the money has been distributed in the manner contemplated by the charter, and that they do approve of said Branch Bank report.

From the Senate,

THO. C. HOWARD.
JOHN L. HICKMAN.

From the House of Representatives.

TANDY ALLEN,
ROBERT SCROGIN,
WM. M'CLANAHAN,
WM. CHENAULT,
JESSE NOLAND,
WILL. GARRARD, Jr.

The joint committee appointed to examine the Harrodsburg Branch of the Bank of the Commonwealth of Kentucky, make the following report:

Upon the most careful examination of the list made out they are induced to believe, that the debts are generally well secured, and the branch has been conducted in the general with great care and attention.

From the Senate,

ROBT. B. M'AFEE,
JOHN FAULKNER,
JEROBOAM BEAUCHAMP
W. B. BLACKBURN.

From the House of Representatives,

SAM. DAVEISS,
W. B. BOOKER,
D. G. COWAN,
G. ROBERTSON,
D. C. COSBY,
CH. RIFE,
W. CALDWELL,
BENJ. MASON,
JOHN J. ALLEN,
SAM. ROBERTSON.

Mr. Ewing from the committee of propositions and grievances, made the following report, to wit:

The committee of propositions and grievances, have, according to order, had under consideration several petitions to

them referred, and have come to the following resolutions thereupon, to wit:

Resolved, That the petition of the citizens of Smithland and its vicinity, praying for the establishment of a hospital at that place, *is reasonable*.

Resolved, That the petition for the formation of a new county out of parts of the counties of Hopkins, Union, Livingston and Caldwell, *be rejected*.

Which being twice read were concurred in.

Ordered, That the committee prepare and bring in a bill pursuant to the first resolution.

Mr. Ewing from said committee, also reported a bill from the house of representatives, altering the terms of certain circuit courts, with an amendment, which was concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be, 'an act altering the terms of certain circuit courts, and for other purposes,' and that Mr. Ward inform the house of representatives thereof.

Mr. McAfee from the joint committee appointed to examine the Bank of the Commonwealth of Kentucky, made the following report, to wit:

The joint committee of the senate and house of representatives, appointed to examine the Bank of the Commonwealth of Kentucky, beg leave to make the following report:

The late period of the session at which they were called on to perform this duty, the utter impracticability of examining the situation of a bank operating on nearly three millions, will, it is hoped, furnish an ample apology for the barrenness of this report.

Your committee were desirous of examining the various items of expenditure in the principal bank and branches; but, upon enquiry, find that the branches have not transmitted to the mother bank a detailed report of their expenses, since the commencement of the institution. The account of expenditures in the principal bank was not drawn off; consequently, your committee would have been compelled to examine the books, for the various items, which would have required more time than your committee could devote to that subject, within a few days of the contemplated adjournment of the legislature.

The paper herewith marked A. furnished by the cashier of the principal bank, exhibits the situation of said bank and branches, up to the first day of October 1822, and con-

rects any misunderstanding of the former reports. The paper marked B. shows the proportions which the principal bank and branches were severally entitled to, of \$2,999,970. The printed report, now before the legislature, under the head of 'Bills payable,' shows the amount which the principal bank and branches have received of the aforesaid sum.

It appears that change tickets have been prepared, and in part issued, to the amount of \$62,130.

From the Senate,

ROBERT B. M'AFEE,
M. FLOURNOY.
THOMAS TOWLES.

From the House of Representatives,

SAMUEL DAVEISS,
GRAVEN P. LUCKETT,
ROBERT J. WARD.
WILLIAM CALDWELL,
WILLIAM CHENULT.

(A.)

Situation of the Bank of the Commonwealth of Kentucky and its Branches 1st October, 1822.

Dr. To Notes payable,	\$2,792,068 87
Amount of stock paid in by the Treasurer,	72,614 13
Literary Fund,	70,319 32
Amount due to other banks,	194,461 49
Discounts, (or running profits,)	51,533 40
Amount due individual depositors,	287,299 60
	<hr/>
	\$3,468,291 81

Cr. By Notes discounted,	\$2,731,796 25
Cash on hand,	526,008 49
Amount due from other Banks, &c.	198,684 50
Running expences,	11,802 53
Error in report Mountsterling Branch,	04
	<hr/>
	\$3,468,291 81

E. E. JOHN. T. PENDLETON.

NOTE. The following statement will shew the amount paid over of the profits of the bank, in conformity to specific appropriations, viz.

Paid to Treasurer 1st July.	\$ 61,248 86
Literary Fund 1st July.	70,319 32
Southern College, by Bowlinggreen Br.	618 19
Centre College, by Harrodsburg Br.	806 37
Transylvania U. by Lexington Branch,	7,646 44

Total amount net profits up to 1st July,	\$ 140,638 66
Running profits or discounts since 1st July up to 1st October.	51,533 40
Running expenses since 1st July up to 1st October,	11,802 53—39,730 87

Total amount net profits up to 1st October, \$180,369 56

In the items of cash on hand and net profits reported to the general assembly in the first week of its session, and the amounts of those items in the table hereto annexed, a small difference will be found to exist. In the first, of two hundred dollars, produced by an error in taking the amount of cash from the report of the Flemingsburg Branch; and in the latter, of one hundred and ninety-six dollars twelve cents, occasioned by a miscalculation of the amount of profits in the first report.

The amount of deposits as contained in a supplemental report made during the present session, will be found to differ with the amount of that item as stated in the above table. The supplemental report embraced under the head of Deposits, all claims subject to be checked for or demanded of the bank; whereas, in the report now made, such claims only are stated under that head, as are due to individuals. Other claims, equally constituting a debt against the bank, are, in the above table, reported under their appropriate heads; such as the literary fund, amounts due to other banks, and discounts or running profits.

The amounts stated to be due to, and from other banks in the above table, consist almost entirely of balances due to and from the principal bank and the several branches, in accounts current kept with each other.

(B)

*A statement of the proportion of principal Bank and Branches
of \$2,999,970 of the paper of said bank.*

Principal Bank,	\$ 359,020
Flemingsburg Branch,	189,442
Fairbairn Do.	175,926

THE SENATE.

241

Lexington	Do.	
Louisville	Do.	257,774
Hartford	Do.	356,756
Princeton	Do.	107,373
Greensburg	Do.	245,300
Harrodsburg	Do.	211,021
Winchester	Do.	309,938
Mountsterling	Do.	324,291
Somerset	Do.	103,647
Bowlinggreen	Do.	144,471
		214,941

Change Tickets,	\$2,999,970
Do.	13,000
Do.	26,850
Do.	5,000
	17,280

Total change tickets, \$ 62,130

The senate received several messages from the house of representatives, announcing the passage of the following bills, to wit :

An act to repeal so much of any law as allows a chancery term to be held in November in the county of Logan, and to allow chancery terms to be held in Barren and Warren ; an act to increase the number of justices of the peace in Harlan county ; an act for the benefit of Ryland T. Dilard and others ; an act to incorporate the trustees of the Augusta College ; an act to establish an election precinct in Logan county ; an act to amend the law adding a part of the county of Logan to the county of Todd ; an act to change the venue for the trial of John and Samuel Harvey ; an act authorising the erection of a bridge across Licking River ; an act making copies of patents evidence in certain cases ; an act to establish an election precinct in the county of Allen ; an act authorising a lottery for the purpose of erecting a house in Lexington for the use of the medical school ; an act to amend the several acts providing for the publication of the decisions of the court of appeals ; an act to establish the county of Morgan ; and an act to regulate the turnpike road from Georgetown to Cincinnati.

Mr. Flournoy from the select committee to whom was referred an engrossed bill providing for a more speedy sale of the articles manufactured in the penitentiary, reported the same with amendments, which were concurred in with amendments.

Mr. Beauchamp moved to amend the bill by attaching thereto the following section, to wit :

Be it further enacted, That all laws now in force that authorises the keeper and agent of the penitentiary to draw their salary out of the public treasury, shall be, and the same is hereby repealed, and hereafter they shall receive their salary out of the proceeds of said institution.

The question being taken thereon, it was resolved in the negative—Yeas 10, Nays 24.

The yeas and nays being required thereon by Messrs. Beauchamp and Gorin, were as follows, to wit :

Those who voted in the affirmative are : Messrs. Beauchamp, Faulkner, Gorin, J. L. Hickman, Howard, Miller, Mountjoy, Parker, White and Worthington.

Those who voted in the negative are : Messrs. Anderson, Ballinger, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Dawson, Ewing, Flournoy, Lackey, Lyon, Marshall, M'Alfee, Morehead, Pope, Rude, Smith, Towles, Ward and Williams.

The bill was then committed to Messrs. Marshall, Towles, Carpenter, Pope and Carneal.

Mr. Marshall from the select committee to whom was referred a bill from the house of representatives authorising the county court of Garrard to purchase tools for repairing the Kentucky cliffs, reported the same with amendments, which were concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that the title be, • an act authorising certain county courts to purchase tools for repairing roads, and that Mr. Ward inform the house of representatives thereof.

The senate received several messages from the house of representatives announcing that they had concurred in the amendments made by the senate to bills of the following titles, to wit :

An act establishing a ferry on the land of James Riddle; an act for the benefit of Augustus Haydon; an act allowing additional justices of the peace in certain counties; an act for the benefit of Silas Payne and wife; an act for the relief of the sheriffs of Union and Butler Counties; an act for the benefit of Martin Beatty; and that they had disagreed to a bill for the benefit of Marcus Huling, and that they had adopted a resolution instructing the directors on the part of the state in the Bank of Kentucky to receive the paper of the Commonwealth's Bank.

Engrossed bills to wit: A bill to amend the several acts providing for the publication of the decisions of the court of appeals; a bill to amend an act entitled an act concerning public advertisements in certain cases; were read a third time.

The question being taken on the passage of the second bill it was resolved in the affirmative—Yeas 20, Nays 12.

The yeas and nays being required thereon by Messrs. Ward and Owens, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Beauchamp, Bowman, Blackburn, Carpenter, Cowan, Ewing, J. L. Hickman, Marshall, M'Affee, Miller, Morehead, Owens, Parker, Pope, Towles, White and Worthington.

Those who voted in the negative are: Messrs. Barrett, Carneal, Davidson, Dawson, Faulkner, Flournoy, Gorin, Howard, Lackey, Lyon, Mountjoy and Ward.

Resolved, That said bills do pass, and that the titles be respectively, 'an act to amend the several acts providing for the publication of the decisions of the court of appeals; an act to amend an act entitled an act concerning public advertisements in certain cases.

Ordered, That Mr. M'Affee inform the house of representatives thereof.

The following bills were reported, to wit:

By Mr. Rudd—1. a bill to add a part of Fleming to Nicholas county.

By Mr. Ward—2. a bill declaring Little Sandy navigable.

By Mr. Blackburn—3. a bill for the benefit of David and Robert Griffith.

By Mr. Marshall—4. a bill allowing compensation to the clerks of the circuit and county courts for ex officio services, which were severally read the first time and ordered to be read a second time.

The rule being dispensed with, the three first bills were read a second and third times, (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be respectively, 'an act to add a part of Fleming to Nicholas county; an act to declare Little Sandy navigable; and an act for the benefit of David and Robert Griffith;' and that Mr. Ward inform the house of representatives thereof.

A bill from the house of representatives establishing a ferry from the land of William Corkrell in Union county, was read the first time.

And the question being taken on reading the said bill a second time, it was resolved in the negative, and so the said bill was rejected.

Ordered, That Mr. Pope inform the house of representatives thereof.

A bill from the house of representatives to amend an act entitled an act regulating endorsements on executions was read a second time.

The first section of the bill was read as follows, to wit: That all contracts in writing, entered into after the first day of May next, for the express payment of any sum in *gold or silver*, shall be enforced in all the courts in this commonwealth, according to the terms thereof.

Mr. Beauchamp moved to amend the section by inserting the word '*lent*' after the word '*silver*'.

The question being taken thereon, it was resolved in the negative—Yeas 9, Nays 24.

The yeas and nays being required thereon by Messrs. Beauchamp and Dawson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Beauchamp, Dawson, Gorin, Marshall, M'Afee, Miller, Owens and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, J. L. Hickman, Howard, Lackey, Lyon, Mountjoy, Morehead, Parker, Pope, Smith, Towles, Ward and White.

Mr. Ward then moved to amend the bill by attaching thereto the following proviso, to wit:

Provided however, That any estate, sold by virtue of any execution issued under the provisions of this act, shall command *two thirds* of its specie value, to be ascertained by commissioners according to the existing laws appointing commissioners to value property taken under execution.

The question being taken thereon, it was resolved in the affirmative—Yeas 17, Nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and Lackey, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Beauchamp, Dawson, Gorin, Henderson, Lackey, Marshall, M'Afee, Miller, Mountjoy, Owens, Rudd, Smith, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, J. L.

Hickman, Howard, Parker, Pope, Towles and Williams. Whereupon the Lieutenant Governor voted in the affirmative.

Mr. Beauchamp, then moved to lay the bill on the table until the first day of June next, and the question being taken thereon it was resolved in the negative—Yeas 10, Nays 25.

The yeas and nays being required thereon by Messrs. Beauchamp and White, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Balingier, Beauchamp, Dawson, Gorin, Henderson, Marshall, Miller, Owens, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flourney, J. L. Hickman, Howard, Lackey, Lyon, McAfee, Mountjoy, Parker, Pope, Rudd, Smith, Towles, Ward and Williams.

Mr. Pope then moved the following amendment in lieu of the bill as amended, to wit:

Sec. 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*, That the defendant or defendants, in any execution which may issue, or any judgment or decree rendered by any court or justice of the peace, after the first day of August next, shall *not* be entitled to *any* replevin, if the plaintiff, his agent or attorney, shall endorse in substance, on such execution, 'that either notes on the Bank of Kentucky or its branches, or notes on the Bank of the Commonwealth of Kentucky or its branches, may be received by the officer in discharge of this execution,' and the property taken to satisfy said execution, shall be sold by the officer in whose hands it may be for collection, for whatever it will bring.

Sec. 2. That where such endorsement is not made, the defendant or defendants, shall have the right to replevy for one year and no longer, by executing bond with approved security to pay the amount of debt, interest and costs of such execution, to the plaintiff or plaintiffs, in one year from the date thereof; and when an execution shall issue on such replevin bond, the clerk or justice of the peace issuing the same, shall endorse thereon, 'that no security of any kind is to be taken.'

Sec. 3. That when an execution shall issue upon any judgment or decree mentioned in the first section of this act, endorsed as therein provided for, it shall be the duty of the

clerk or justice of the peace issuing the same, to endorse thereon, that the judgment or decree on which this execution is issued, was rendered after the first day of August 1823, and that no security of any kind is to be taken; but where no such endorsement is made, the clerk or justice shall in like manner indorse thereon, that the judgment or decree on which this execution is issued, was rendered after the first day of August 1823, and that the defendant has a right to replevy the same for one year.

The question being taken thereon, it was resolved in the affirmative—Yeas 18, Nays 18.

The yeas and nays being required thereon by Messrs. Pope and Dawson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Beauchamp, Bowman, Carpenter, Cowan, Dawson, Ewing, Faulkner, Flournoy, Gorin, Henderson, Lackey, Lyon, Mountjoy, Parker, Pope, Towles and Williams.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barrett, Blackburn, Carneal, Davidson, J. L. Hickman, Howard, Marshall, M'Affee, Miller, Morehead, Owens, Rudd, Smith, Ward, White and Worthington.

Whereupon, the Lieutenant Governor voted in the affirmative.

Mr. Blackburn then moved the following amendment in lieu of the bill as amended, to wit:

Strike out the whole of the bill after the enacting clause and insert,

“That all notes, bonds or specialties, either under seal or not under seal, executed after the first day of May next, which shall, in the body of such writing, express that the debt evidenced thereby is to be paid in gold or silver, the holder of such writing, his, her, or their assignee, or his, her, or their executors or administrators, or personal representatives, may sue for and recover, (either by summons and petition or otherwise,) the amount of the sum or sums stipulated to be paid in such note, bond or other specialty, as before recited; and when a judgment shall be rendered thereon, the clerk, at the request of the plaintiff, if the judgment shall be given by the circuit court; and the justice, if the judgment shall be given by him, shall issue an execution thereon, and indorse, that the judgment was rendered upon a writing which was given for specie. Upon such execution being delivered to the officer whose duty it is to collect money on executions for the like amount, he shall

proceed to make the money due thereon, out of the estate of the defendant or defendants, agreeable to the command of said execution, by a sale of the property of the debtor or debtors (after advertising the same agreeable to law,) at three months credit for gold or silver, taking bond with good security to the plaintiff for the payment of the money, unless the defendant or defendants shall tender good security to be bound with him, her, or them for the payment of the debt, interest and costs, within three months. Upon such security being tendered, the officer shall take the bond with the security, as replevin bonds are now directed to be taken by law; which bond, as well as the bond taken where property is sold by the officer, shall be returned by the officer with the execution, and shall have the force of a judgment; and when an execution issues thereon, the clerk, or justice who issues the same, shall endorse thereon, that no security of any kind is to be taken; but shall, (after being advertised by the officer as property now taken under execution, is directed by law to be advertised,) be sold by such officer for gold or silver, and the money when made, shall be paid by the officer in the manner and under the penalties now prescribed by law: *Provided however*, that the provisions of this act shall not apply to any case where any bank or other corporation shall be in any way interested, nor to any recognizance or bond executed before any court or magistrate of this commonwealth; nor to any judgment where the defendant shall file an affidavit in the cause before the judgment is rendered, that although the writing sued on bears date after the 1st of May 1823, and expresses that it is to be paid in gold or silver, it was given in discharge of a debt or liability which existed before that time, and that the former evidence of such liability has been destroyed.

Be it further enacted by the authority aforesaid, That all notes, bonds or other specialties, either with or without seal, executed after the first day of May next, which shall not express in the body of the writing, that payment is to be made in gold or silver, the payees or obligees therein named, or their assignee, or his, her or their executors or administrators, or personal representatives, may sue for, and recover the amount of the sum stipulated to be paid in such note, bond, or other specialty as before recited under the law of this state; but when a judgment is obtained upon such writing, and an execution shall issue thereon, if the plaintiff fail or refuse to endorse on such execution,

that paper of the Bank of the Commonwealth of Kentucky will be taken in discharge of such execution, the debtor shall have a right to replevy the same for one year, by giving bond and good security agreeable to the law now in force regulating replevies. And if the debtor or debtors shall be unable or unwilling to replevy the same, where no indorsement is made, the property shall be sold for gold or silver upon a credit of twelve months, and the bonds taken by the officer from the purchaser, shall be returned with the execution and have the force of a judgment; upon which, when they become due, an execution shall issue, and be endorsed by the clerk or justice (as the case may be,) who issues the same, that no security of any kind is to be taken; and property taken by this officer under any such execution, shall not be subject to any valuation, but shall be sold for the best price that can be had in gold or silver, after being advertised as property now taken under execution is directed by law to be advertised; but if the creditor will, and does endorse on his execution that he will take the paper of the Bank of the Commonwealth of Kentucky, then the debtor shall only be entitled to a replevy of three months; and if he fails to replevy, the property shall be sold for paper of the Bank of the Commonwealth of Kentucky, at a credit of three months, and the bond taken by the officer, shall be returned with the execution, which bond shall have the force of a judgment; upon which, when due, an execution shall issue, which shall be endorsed by the officer issuing the same, that it is to be discharged in paper on the Commonwealth's Bank, but that no security of any kind is to be taken.

Mr. Beauchamp moved to amend the amendment by attaching thereto the following proviso.

Provided however, That any estate sold by virtue of any execution issued under the provisions of this act, shall command two thirds of its specie value, to be ascertained by commissioners according to the existing laws appointing commissioners to value property taken under execution.

The question being taken on the amendment to the amendment, it was resolved in the affirmative—Yeas 18, Nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Beauchamp, Dawson, Ewing, Gorin, Henderson, Lackey, Marshall, McAfee, Miller, Mountjoy, Rudd, Smith, Towles, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Faulkner, Flournoy, J. L. Hickman, Howard, Lyon, Morehead, Parker, Pope and Williams.

The question was then taken on the amendment as amended, and it was resolved in the negative—Yeas 16, Nays 19.

The yeas and nays being required thereon by Messrs. Blackburn and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Beauchamp, Blackburn, Gorin, J. L. Hickman, Howard, Marshall, M'Afee, Miller, Mountjoy, Morehead, Smith, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Bowman, Carneal, Carpenter, Cowan, Davidson, Dawson, Ewing, Faulkner, Flournoy, Henderson, Lackey, Lyon, Parker, Pope, Rudd, Towles and Williams.

The question was then taken on reading the bill a third time as amended, and it was resolved in the negative—Yeas 17, Nays 18.

The yeas and nays being required thereon by Messrs. Blackburn and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Blackburn, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, Howard, Lackey, Lyon, Mountjoy, Parker, Pope, Rudd, Towles and Williams.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barrett, Beauchamp, Bowman, Carneal, Dawson, Gorin, Henderson, J. L. Hickman, Marshall, M'Afee, Miller, Morehead, Smith, Ward, White and Worthington.

And so the said bill was rejected.

Ordered, That Mr. — inform the house of representatives thereof.

The senate received a message from the house of representatives, returning a resolution referring the report of the school commissioners to a joint committee.

The senate received from the governor by Mr. Anderson, four written messages, containing sundry nominations.

And then the senate adjourned.

THURSDAY, DECEMBER 5, 1822.

The senate assembled.

The Speaker laid before the senate a memorial of William Littell, relative to the publication of Term Reports.

Mr. Howard presented the petition of James Green and others, heirs of William Green, praying that a law may be passed authorising the sale of certain lands and slaves.

Which were read and referred, the former to the committee of the whole, and the latter to messrs. Howard, Lyon and Marshall.

Mr. Barbee from the joint committee of enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

An act to establish an election precinct in Garrard county.

An act in relation to the road from Mountsterling to the Virginia line.

A resolution for a division of the public printing.

A resolution rescinding a resolution fixing on a day for the election of certain officers, and fixing a day for said election.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolutions.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

Bills from the house of representatives of the following titles, to wit:

An act authorising a lottery for the purpose of erecting a house in Lexington for the use of the Medical School; and an act to regulate the Augusta College, were severally read the first time.

The rule being dispensed with, they were read a second time, and the former a third time.

Resolved, That the former bill do pass, and that Mr. Howard inform the house of representatives thereof.

The latter bill was committed to messrs. M'Affee, Rudd, J. L. Hickman and Carpenter.

Mr. Blackburn from the joint committee appointed for that purpose made the following report, to wit :

The joint committee appointed to divide the public printing, have, according to order, had the same under consideration, and have come to the following resolutions thereupon, to wit :

Resolved, That the public printing be divided in the following manner, to wit :

One of the public printers to print the journals of the house of representatives, and the bills directed by them to be printed, the laws passed by the legislature and the public advertisements.

The other printer to print the journals of the senate and the bills by the senate ordered to be printed ; the blanks for the different public offices and the lists of non-resident lands.

Resolved, That the printing of the journals and acts be paid for at the rate of 62 $\frac{1}{2}$ cents per thousand ems and the same per token, and 75 cents per quire for plain blanks, exclusive of paper.

The first resolution was concurred in and the second disagreed to.

The following report of the committee appointed to examine the Bank of the Commonwealth of Kentucky, was received and read, to wit :

The joint committee to whom was referred the report of the principal Bank of the Commonwealth of Kentucky, have had the same under consideration, and beg leave to report : That, so far as they are acquainted, or have been able to ascertain the facts on the subject, they find the loans to have been judiciously made, the debts carefully secured, and that the institution has been administered according to the charter of incorporation.

From the Senate,

W. B. BLACKBURN,
SAMUEL W. WHITE,
J. J. MARSHALL,
ISHAM HENDERSON.

From the House of Representatives,

G. WOOLFOLK,
WILLIAM GERARD,
JOHN SAMUEL,
JOSEPH LECOMPTE,
ANDREW MULBROW,
JOSEPH TAYLOR,
JOHN WELLS,
HENRY SMITH.

The following bills were reported by the select committees to whom they were referred, to wit :

By Mr. Marshall—a bill to provide for the more speedy sale of articles manufactured in the penitentiary.

By Mr. Flournoy—a bill to prevent the circulation of individual printed notes.

By Mr. Carpenter—a bill to amend the law regulating civil proceedings ; severally with amendments.

The first was laid on the table until to-morrow, the second until the first day of June next, and the third was committed to messrs. Beauchamp, Bowman and Owens.

The senate took up the following nominations, to wit :

Gentlemen of the Senate,

I nominate to you, for your advice and consent, the following gentlemen, to be commissioned during good behaviour and their residence within the bounds of their respective commands, viz.

Lewis Powers, major of the 98th regiment, in the place of Moses Preston, who was commissioned through mistake, he not being a resident within the bounds of said regiment.

John D. McDonald, division quarter master of the 7th division, in the place of James Armstrong, stricken off of said division.

James Hall, colonel of the 94th regiment, in the place of John Gorin, promoted.

Asa Young, lieutenant colonel of the same regiment, in the place of James Hall, if promoted.

George Murrell, major of the same regiment, in the place of Asa Young, if promoted.

James Joliff, major of the 45th regiment, in the place of James G. Hicks, removed.

JOHN ADAIR.

December 4th, 1822.

Gentlemen of the Senate,

The term for which the present sheriff of Washington county was commissioned being about to expire, and the county court of said county having failed to recommend to me a suitable person as his successor ; I therefore nominate to you, for your advice and consent, Thomas Cull, as Sheriff of Washington county, to continue in office during the term prescribed by the constitution, he being the eldest magistrate.

JOHN ADAIR.

December 4th, 1822.

Gentlemen of the Senate,

I nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour and their residence within the bounds of their respective commands, to wit :

John Anderson and Richard Taylor, Jr. assistant judges in and for the county of Hickman.

John Bearden and Reuben E. Rowland, assistant judges in and for the county of Calloway.

JOHN ADAIR.

December 4th, 1822.

Gentlemen of the Senate,

I nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour, to wit :

Samuel T. Hanser, notary public in and for the county of Pendleton, in the place of Richard M. Gaines, resigned.

Hugh Brent, notary public in and for the county of Henderson, in the place of Ambrose Barbour, deceased.

Uriel B. Chambers, notary public in and for the county of Scott, in the place of William T. Smith, resigned.

JOHN ADAIR.

December 4th, 1822.

Resolved, That the senate advise and consent to said appointments, and that messrs. Gorin and Davidson inform the governor thereof.

The following bills were reported, to wit :

By Mr. Pope—a bill to authorise a lottery for the purpose of draining the ponds in Louisville and adjoining thereto ; a bill to authorise the county court of Lawrence to lay an additional levy ; a bill to change the place of holding the election in the Southern precinct in Nelson county ; were severally read the first time.

The rule being dispensed with, they were read a second and third times (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be as aforesaid, and that Mr. Ward inform the house of representatives thereof.

On the motion of Mr. Beauchamp, the committee of the whole house on the state of the commonwealth, were discharged from the further consideration of a bill appropriating money to a certain school in Washington county.

The senate received a message from the house of representatives, announcing that they had passed bills of the following titles, to wit:

An act for the benefit of Esther Grimes; an act for the benefit of the heirs of Joel and Judith Noel; an act for the benefit of Charles Binns and the heirs of Timothy Hixon; an act for the benefit of the Sheriff of Rockcastle county, and for other purposes; and that they had adopted a resolution prescribing the mode in which the public printing shall be divided; concurred in the amendment made by the senate to a bill for the benefit of the heirs of Israel Thompson, deceased; and had passed a bill from the senate requiring the auditor of public accounts to transcribe certain books and papers in his office.

The resolution was taken up and concurred in.

Ordered, That Mr. Owens inform the governor thereof.

The senate received information by Mr. Anderson, that the Governor did, on this day, approve and sign two enrolled resolutions which originated in the senate, of the following titles, to wit:

A resolution for a division of the public printing.

A resolution rescinding a resolution fixing on a day for the election of certain officers, and fixing a day for said election.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they were ready to proceed in the election of a treasurer, public printers, and a president and directors of the Bank of Kentucky, on the part of the state.

After receiving nominations and exchanging messages with the house of representatives, a committee was appointed on the part of the senate to meet a committee from the house of representatives, compare the vote and report the result; the said committee reported, and the following persons were declared duly elected to the several offices, to wit:

Samuel South, Treasurer.

Mr. Jacob H. Holeman, public printer for the first division, and messrs. Kendall, Russell and Meriwether, for the second division.

John Harvie president of the Bank of Kentucky; and Daniel Weisiger, Abram Ward, Henry Crittenden, Achilles Sneed, Herman Bowmar and Peter Dudley, directors.

The senate received nominations for President and Directors of the Bank of the Commonwealth of Kentucky, and exchanged messages with the house of representatives in relation thereto.

The senate proceeded in the election, and the committee on the part of the senate, retired to meet the committee from the house of representatives, to compare the vote and report the result.

And then the senate adjourned.

FRIDAY, DECEMBER 6, 1822.

The senate assembled.

The joint committee appointed to compare the joint vote for a President and Directors of the Bank of the Commonwealth of Kentucky, reported, that John J. Crittenden had received an unanimous vote as President, and that Willis Field, George B. Knight, Jephthah Dudley, John Cowan, Amos Kendall, Wm. O. Butler, Lyddall Wilkinson, Joseph Roberts, Francis P. Blair, Benjamin Hensley, Joseph Scott and Samuel B. Crockett, had received a majority of all the votes of both houses as Directors.

Whereupon they were declared duly elected.

The Speaker laid before the senate a letter from Charles Humphreys, praying legislative patronage to "a Compendium of Common Law," which he has published.

Which was read and referred to the committee of the whole house on the state of the commonwealth.

The following bills were reported:

By Mr. Howard—1. a bill for the benefit of the heirs of Wm. Green; 2. a bill vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square.

By Mr. Marshall—3. a bill for the benefit of the executors of John B. Wooldridge, deceased.

And by Mr. Williams—4. a bill to authorise the insertion of certain advertisements in the Columbian Spy; which were severally read the first time.

The rule being dispensed with, the second, third and fourth bills were read a second and third times, (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be as aforesaid, and that Mr. Howard inform the house of representatives thereof.

The following bills were reported from the select committees to whom they were referred, to wit :

By Mr. M'Afee—a bill from the house of representatives to incorporate the trustees of the Augusta College.

By Mr. Blackburn—a bill to restore confidence and prevent or punish frauds and trespasses ; each with amendments, which were concurred in.

The former bill was read a third time.

Resolved, That the said bill as amended do pass, and that Mr. Rudd inform the house of representatives thereof.

Ordered, That the report of the commissioners on the subject of schools, be referred to messrs. M'Afee, Marshall, Ewing and Pope, with leave to report by bill or otherwise.

Mr. Carneal moved to reconsider the vote given on the fourth instant, whereby a bill from the house of representatives, to amend an act entitled an act regulating endorsements on executions was rejected ; the vote was reconsidered.

Mr. Faulkner then moved to reconsider the vote where, by an amendment offered by Mr. Pope was adopted. The vote was reconsidered and the amendment was withdrawn.

The bill was amended at the clerk's table, and Mr. Marshall offered the following as a substitute for the whole bill, to wit :

That all contracts *in writing*, entered into after the first day of May next, shall be enforced in all courts in this commonwealth according to the terms thereof, and there shall be no replevin for a longer period than three months.

When upon the face of such contract, it is stipulated to pay in any specific commodity, as the notes of any bank, so much tobacco, or other produce or property, the verdict upon such contract, shall be, for the commodity thus stipulated, to be paid, or if not to be had, for the value thereof in specie ; and the value of such commodity in specie, at the time the same was to have been paid or delivered, shall be the measure of value, and the court shall enter up judgment according to such verdict.

The question being taken thereon, it was resolved in the negative—Yeas 10, Nays 25.

The yeas and nays being required thereon by Messrs. Marshall and Beauchamp, were as follows, to wit :

Those who voted in the affirmative are : Messrs. Beauchamp, Davidson, Dawson, Gorin, Henderson, Marshall, Miller, Mountjoy, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Ewing, Faulkner, Flourney, J. L. Hickman, Howard, Lackey, Lyon, M'Afee, Morehead, Parker, Pope, Rudd, Smith, Towles, Ward and Williams.

Mr. Faulkner then moved the amendment offered by Mr. Pope on the 4th instant, as a substitute for the whole bill, and the question being taken thereon, it was resolved in the affirmative—Yeas 18, Nays 17.

The yeas and nays being required thereon by Messrs. Faulkner and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Beauchamp, Carneal, Dawson, Ewing, Faulkner, Flourney, Gorin, Henderson, Lackey, Lyon, Marshall, Miller, Mountjoy, Pope, Towles, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Barrett, Bowman, Blackburn, Carpenter, Cowan, Davidson, J. L. Hickman, Howard, M'Afee, Morehead, Parker, Rudd, Smith, Ward and Williams.

The question was then taken on reading the bill a third time, and it was resolved in the affirmative—Yeas 23, Nays 12.

The yeas and nays being required thereon by Messrs. Gorin and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barbee, Beauchamp, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flourney, Gorin, Lackey, Lyon, Miller, Mountjoy, Parker, Pope, Smith, Towles, Williams and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barrett, Dawson, Henderson, J. L. Hickman, Howard, Marshall, M'Afee, Morehead, Rudd, Ward and White.

The question was then taken on the passage of the bill as amended, and it was resolved in the affirmative—Yeas 22, Nays 12.

The yeas and nays being required thereon by Messrs. Gorin and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barbee, Beauchamp, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flourney, J. L. Hickman, Howard, Lyon, Miller, Mountjoy, Parker, Pope, Smith, Towles and Williams.

Those who voted in the negative are: Messrs. Ander-

son, Barrett, Dawson, Gorin, Henderson, Marshall, McAfee, Morehead, Rudd, Ward, White and Worthington.

Resolved, That the said bill as amended do pass, and that Mr. Pope inform the house of representatives thereof.

The Speaker laid before the senate the following communication, to wit :

BANK OF KENTUCKY, Dec. 6, 1822.

Sir—In conformity to instructions from the directory, I beg leave, through you, to represent, most respectfully, to the senate, the difficulty, if not impracticability, in consequence of mutilation and defacement, of registering, in the mode prescribed by the fifth section of the bill recently enacted by the two houses of assembly, “concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky,” the notes of the first named bank, which may be on hand at or immediately after the first day of January next, preparatory to their being burnt; and, with great deference, to suggest the appointment of committees from either house, or of confidential agents, to inspect the condition of said notes, count the amount, and commit them to the flames. An advertance to the circumstance, that those notes consist indiscriminately of the successive emissions since the organization of the bank, connected with the irrefragable fact, that such as are most worn and disfigured, are in the main soonest withdrawn from circulation, will perhaps impress the conviction, that the register cannot be executed in the perfect and complete manner contemplated by the bill; nor would it, in the humble estimation of the directory, if so executed, furnish any security against the falsification or derangement of the accounts of the institution, or serve as a check against the simulation or counterfeiting of the notes. The great object to be attained, is the ascertainment, with precision, of the amount consumed, and to guard against the entering on the books, of credits exceeding that amount. As the mode pointed out will furnish an authentication of those facts, unquestioned and unimpeachable, the hope is indulged, that it will meet the sanction and concurrence of the senate.

With unfeigned respect, I am, dear sir,

Yours, &c.

J. HARVIE, *Pres't.*

THE HON. WM. T. BARRY,

Speaker of the Senate,

Which was committed to messrs. Carneal, Marshall and Towles, with power to report by bill or otherwise.

Bills from the house of representatives of the following titles, to wit :

1. an act for the benefit of the sheriff of Rockcastle county and for other purposes; 2 an act to amend an act entitled an act to add a part of the county of Logan to the county of Todd; 3. an act imposing a duty on sales at auction in the county of Fayette for the benefit of the law department of Transylvania University; 4. an act for the formation of the county of Morgan; 5. an act for the benefit of the widow and heirs of William Findley; 6. an act for the benefit of the heirs of Elijah W. Dulany, deceased; 7. an act to repeal so much of any law as allows a chancery term to be held in November in the county of Logan, and to allow chancery terms to be held in Barren and Warren; 8. an act to increase the number of justices of the peace in Harlan county; 9. an act to alter the time of holding certain circuit and county courts; 10. an act for the benefit of Ryland T. Dillard and others; 11. an act to establish an election precinct in Logan county; 12. an act to establish an election precinct in the county of Allen; and 13. an act providing for perfecting grants in certain cases, were severally read the first time.

The rule being dispensed with, they were read a second time, and the first, fourth, ninth and tenth, being amended at the clerk's table, and all except the ninth, twelfth and thirteenth, a third time.

Resolved, That the said bills, except the ninth, twelfth and thirteenth do pass, the first, fourth and tenth as amended; and that the title of the fourth be amended to read, 'an act establishing the counties of Morgan and Lyon,' and that Mr. Ward inform the house of representatives thereof.

The ninth and twelfth bills were ordered to be read a third time, and the thirteenth was committed to messrs. Marshall, Towles and Ewing.

The senate received from the governor by Mr. Anderson, a written message.

The rule being dispensed with, it was taken up and read as follows, to wit :

Gentlemen of the Senate,

Samuel South, the Treasurer elect, has offered the following gentlemen as his securities for the due and legal

discharge of the duties of said office, the ensuing year, and whom I beg leave to recommend to you, for your approbation and consent, to wit :

Thomas Todd, John Harvie, George M. Bibb, Achilles Sneed, John J. Crittenden, Jephthah Dudley and Francis P. Blair.

JOHN ADAIR.

December 6th, 1822.

Resolved, That the senate advise and consent to said securities, and that messrs. Ewing and Gorin inform the Governor thereof.

The senate having received a message from the house of representatives, announcing that they were ready to proceed to the election of a president and directors of the several Branches of the Bank of the Commonwealth of Kentucky; and having exchanged nominations, proceeded to the election.

A committee was appointed on the part of the senate, to meet a committee from the house of representatives, for the purpose of comparing the vote and to report the result; the committee retired for the purpose of performing that duty.

The senate received several messages from the house of representatives announcing the passage of bills of the following titles, to wit :

An act to direct the sheriff of Harlan county to pay over certain moneys and for other purposes.

An act providing for the payment of the commissioners under the compact with Virginia.

An act for the benefit of Hiram B. Grooms and others.

An act concerning the board of Trustees of the town of Columbus, and for other purposes.

An act to reduce the expences of the Bank of Kentucky and her branches.

And that they had adopted a resolution directing a tomb stone to be placed over the grave of James Garrard late governor of Ky. that they had passed bills from the senate of the following titles, to wit : An act making further donations to the Louisville Hospital ; an act authorising a lottery for the purpose of draining the ponds in Louisville and adjoining thereto ; and an act for the benefit of Samuel Lewis ; and that they had concurred in the amendments made by the senate to a bill to incorporate the trustees of the Augusta College.

The amendment made by the house of representatives to a bill requiring the Auditor of Public Accounts to transcribe certain books and papers in his office, was taken up and concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

A bill appropriating money to a certain school in Washington county, was taken up and the question being taken on engrossing and reading the said bill a third time, it was resolved in the affirmative—Yeas 17, Nays 17.

The yeas and nays being required thereon by Messrs. Beauchamp and Flournoy, were as follows, to wit :

Those who voted in the affirmative are : Messrs. Anderson, Ballinger, Barbee, Barrett, Beauchamp, Blackburn, Ewing, Gorin, Lyon, Marshall, M'Atfee, Miller, Owens, Pope, Rudd, White and Worthington.

Those who voted in the negative are : Messrs. Bowman, Carneal, Carpenter, Cowan, Davidson, Dawson, Faulkner, Flournoy, Henderson, J. L. Hickman, Howard, Mountjoy, Parker, Smith, Towles, Ward and Williams. Whereupon, the Speaker voted in the affirmative.

Messrs. Barbee and Williams from the joint committee of enrolments, reported that they had examined sundry enrolled bills of the following titles, to wit :

An act for the relief of certain sheriffs.

An act for the benefit of Augustus Haydon.

An act act for the relief of the heirs of Israel Thompson.

An act establishing a ferry on the land of James Riddle.

An act allowing additional justices of the peace in certain counties.

An act for the benefit of Silas Payne, John Tyler and their wives.

An act for the better regulation of the town of Cadiz, in Trigg county, Kentucky.

An act for the benefit of the wife and children of Lawrence Flournoy.

An act providing for copying certain records in the surveyor's office of Fayette.

An act for the benefit of the widow and heirs of Benjamin True.

An act for the benefit of the heirs of Claibourn Walton, deceased.

An act for the benefit of the widow and heirs of William Chinn.

An act for the benefit of the infant heir of James Shannon.

An act for the benefit of Joseph Hufford.

An act for the benefit of Constant A. Wilson, and others.

A resolution regulating the mode in which the public printing shall be done.

A resolution requesting the secretary of state to transmit the laws &c. of this state to the public library at Washington city, and obtain in exchange, the laws of the United States, and the reports of the decisions of the supreme court of the United States.

An act concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolutions.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. Howard presented the petition of Joseph Barnett and others praying that a law may be passed authorising the register to issue a patent to them for a certain tract of land.

Which was read and referred to messrs. Howard, Blackburn and Faulkner, with leave to report by bill or otherwise.

The senate received a message from the house of representatives, announcing that they had disagreed to the amendment made by the senate to a bill entitled an act to regulate endorsements on executions.

The said bill and amendment were taken up and again read.

Mr. Beauchamp moved to lay the bill and amendment on the table until the first day of June next, and the question being taken thereon, it was resolved in the negative-- Yeas 11, Nays 22.

The yeas and nays being required thereon by Messrs. Beauchamp and Ewing, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Balingier, Barrett, Beauchamp, Dawson, Gorin, Henderson, Marshall, Owens, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, J. L. Hickman, Howard, Lackey, Lyon, M'Affee, Miller, Mountjoy, Parker, Pope, Towles and Williams.

It was then moved and seconded that the senate should insist on their amendment and it was resolved in the negative—Yeas 17, Nays 19.

The yeas and nays being required thereon by Messrs. Beauchamp and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barrett, Beauchamp, Dawson, Ewing, Gorin, Henderson, Lackey, Marshall, M'Affee, Miller, Mountjoy, Owens, Rudd, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Anderson, Barbee, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Faulkner, Flournoy, J. L. Hickman, Howard, Lyon, Morehead, Parker, Pope, Smith, Towles and Williams.

Resolved, That the senate recede from their amendment, and that Mr. Blackburn inform the house of representatives thereof.

A bill from the house of representatives to alter the mode of summoning petit jurors, was read a second time and laid on the table.

And then the senate adjourned.

SATURDAY, DECEMBER 7, 1822.

The senate assembled.

Mr. Blackburn from the committee for courts of justice made the following report, to wit:

The committee for courts of justice, have, according to order, had under consideration, the petition of Polly Tomlinson, widow and executrix of James Tomlinson, deceased, late of Montgomery county, praying that a law may be passed authorising her to sell and convey sixty acres of land in said county, the property of the heirs of the said decedent, and have come to the following resolution thereupon, to wit:

Resolved, That the said petition, be rejected.

Which was twice read and concurred in.

Mr. Blackburn from said committee, reported a bill to regulate the town of Louisa, in the county of Lawrence, without amendment.

The amendment proposed by the house of representatives to said bill, was again taken up, read and disagreed to.

Ordered, That Mr. Ward inform the house of representatives thereof.

The nomination of James I. Miles as agent of the penitentiary, was taken up.

Resolved, That the senate advise and consent to said appointment, and that messrs. Owens and Bowman inform the governor thereof.

The senate received a message from the house of representatives, announcing that they had disagreed to the amendments made by the senate to bills to establish the county of Morgan and a bill for the benefit of Ryland T. Dillard and others; and adopted a resolution rescinding the resolution fixing on this day for an adjournment, and fixing on the 11th instant for the adjournment.

The amendments to the bills were again taken up and read.

Resolved, That the senate recede from their amendments to the first bill.

The second bill with the amendments were laid on the table until the first day of June next.

The resolution was taken up and the question being taken on the adoption thereof, it was resolved in the negative—Yeas 8, Nays 26.

The yeas and nays being required thereon by Messrs. Carpenter and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Beauchamp, Gorin, Lackey, Lyon, Owens, Smith and Williams.

Those who voted in the negative are: Messrs. Anderson, Ballinger, Barrett, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Dawson, Ewing, Faulkner, Flournoy, Henderson, J. L. Hickman, Howard, M'Affee, Miller, Mountjoy, Morehead, Parker, Pope, Towles, Ward, White and Worthington.

Ordered, That Mr. Faulkner inform the house of representatives thereof.

Mr. Towles from the select committee to whom was referred a bill from the house of representatives making copies of patents evidence in certain cases, reported the same without amendment.

The bill was read a third time.

Resolved, That the said bill do pass, and that Mr. Ewing inform the house of representatives thereof.

The joint committee appointed to compare the votes for Presidents and Directors of the several Branches of the Bank of the Commonwealth, reported, and the following persons were duly elected, to wit :

1st *District, Flemingsburg*—William P. Fleming, president; and George W. Botts, John D. Stockton, James Alexander, William Hodge, Charles Ward, James Morris, Larkin Anderson and Aaron Owens, directors.

2d, *Falmouth*—Press G. Kennett, president; and James King, James Wilson, Samuel Huey, William C. Kennett, Isaac Miller, Thomas Griffith, Willis Graves and Thomas Buckner, directors.

3d, *Lexington*—Charles Humphreys, president; and John Bradford, Elisha Warfield, Matthew Kennedy, William R. Morton, Thomas Wallace, David Thomson, Elijah Craig and Samuel M'Hatton, directors.

5th, *Louisville*—James W. Denny, president; and George W. Chambers, Levi Tyler, Silas Field, Martin H. Wickliffe, Benjamin Helm, Weir Tilford, Benjamin J. Harrison and Maurice L. Miller, directors.

6th, *Hartford*—Charles M'Creery, president; and Chas. Henderson, Robert L. Walker, Robert Mosley, John S. M^r. Farland, Joshua H. Davis, John Rogers, Willis Morgan, J. Murray and James Hillyer, directors.

7th, *Princeton*—John H. Phelps, president; and Joseph R. Given, Jeremiah Rucker, Mercer Wadlington, John Gray, Robert P. Henry, John M'Craughn, Thomas G. Davis and Robert Hodge, directors.

8th, *Greensburg*—James Allen, president; and Joseph Akin, Elijah Creel, Henry Embree, George T. Wood, William T. Bush, Radford Maxey, Alexander Miller and Milton King, directors.

9th, *Harrodsburg*—Beriah M'Goffin, president; and Joel P. Williams, Christopher Chinn, William Robertson, David Sutton, David L. M'Kee, Jesse Coffey, John H. Hanley and Thomas Head, directors.

10th, *Winchester*—James Anderson, president; and James Simpson, Lewis Grigsby, John Miles, Hugh Talbot, Alexander S. Morrow, David Bruton, Richard Oldham, jr. and Micajah Taul, directors.

11th, *Mountsterling*—George Howard, president; and Paul Durrett, Robert Stockton, Samuel D. Everett, Micajah Harrison, Thomas D. Owings, James M'Ilhenney, Henry B. Mayo and James Ward, jr. directors.

12th, *Somerset*—William Fox, president; and Adam Wilson, Uriah Grisam, Benjamin Eve, John Griffin, Henry James, Joseph Porter, Charles Hayes and John Chrisman, directors.

13th *Bowlinggreen*—John Loring, president; and Alexander Graham, James T. Morehead, William Bell, William Blakey, George W. Call, John Wills, Richard B. Dallam and Thomas M. Smith, directors.

The following resolution was adopted, to wit:

Resolved by the General Assembly of the Commonwealth of Kentucky, That John J. Marshall and Wm. B. Blackburn, be requested, in the interval prior to the meeting of the next legislature, to prepare a system of by-laws for the government of the penitentiary; to investigate the several alterations and improvements which have been made in the construction of houses of correction and confinement; to ascertain the expence which it may require to erect a penitentiary adapted to the confinement and employment of at least one hundred convicts; to inquire into the mode of punishment in addition to mere labour and confinement, and the most eligible plans for the application of labor, so as to combine punishment and utility, which have been adopted in other countries, as well as in the U. S. and the effect which such modifications have had upon the subjects of their operation, as to the recurrence or diminution of crime; and make report of the information obtained, to the next legislature.

Ordered, That Mr. Ward inform the house of representatives thereof.

A bill from the house of representatives to reduce the expences of the Bank of Kentucky and branches, was read the first time as follows, to wit:

§ 1. *Be it enacted by the General Assembly of the Commonwealth of Kentucky*. That all laws or parts of laws now in force in this commonwealth, authorising the President and Directors of the Bank of Kentucky, to keep, and employ in said bank, on wages, more than one clerk, shall be, and the same are hereby repealed.

§ 2. *Be it further enacted*, That from and after the first day of March next, there shall be one clerk employed and paid by said bank, and no more.

§ 3. That on the last Monday of February next, there shall be a meeting of the stockholders of each of the branch banks of the Bank of Kentucky, at their respective banking houses, of which public notice shall be given by the cashier in some public newspaper, at least twenty days previous

to said meeting; at which meeting the stockholders shall decide whether it be expedient to discharge or retain the clerk of the Branch Bank, and if a majority of votes shall be in favor of discharging the clerk, the cashier shall certify the vote to the board of directors of the mother bank, who shall forthwith dismiss said clerk, and the business of said branches, shall thereafter be performed by the cashier of said branches, and in the vote directed by this act, they shall be governed by the same rules and regulations as is now prescribed in the election of directors for said bank and branches.

§ 4. That no branch bank of the Bank of Kentucky, shall be withdrawn from the place of its location, unless a majority of the stockholders of the branch intended to be withdrawn, shall consent to such withdrawal.

The question being taken on reading the said bill a second time, it was resolved in the negative—Yeas 4, Nays 22.

The yeas and nays being required thereon by Messrs. Beauchamp and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Beauchamp, Dawson, Gorin and Henderson.

Those who voted in the negative are: Messrs. Ballinger, Blackburn, Carneal, Carpenter, Cowan, Davidson, Ewing, Faulkner, Flournoy, J. L. Hickman, Howard, Lyon, Marshall, M'Affee, Morehead, Parker, Pope, Smith, Towles, Ward, White and Worthington.

And so the said bill was rejected.

Ordered, That Mr. Ward inform the house of representatives thereof.

The senate received several messages from the house of representatives, announcing that they had passed bills of the following titles, to wit:

An act for the benefit of the widow and heirs of Robert Looney, deceased; an act to appoint trustees to the town of Mount Vernon, and for other purposes; an act for the relief of Nancy Mosely; an act directing the sale of certain lands west of Tennessee river; an act for the establishment of a state road from Lexington to Ghent on the Ohio River; and an act for the benefit of the heirs of John D. Gray; and that they had concurred in amendments made by the senate to bills of the following titles, to wit: an act to alter the terms of certain circuit courts; an act for the relief of the sheriff of Rockcastle county and for other purposes; that they had adopted a resolution for printing and distributing the report of the school commissioners; and a resolu-

tion directing William Wood to pay into the treasury a certain sum of money.

The said resolutions were taken up and read ; the former was committed to messrs. M'Afee, Carneal, Marshall and Faulkner ; and the latter was concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The senate received several messages from the house of representatives, announcing the passage of the following bills from the senate, to wit :

An act to establish a lunatic asylum ; an act to endow an asylum for the tuition of the deaf and dumb ; and an act to amend the militia law, with an amendment to the latter ; that they insist on their amendment to a bill to establish and regulate the town of Louisa in the county of Lawrence ; and disagree to the amendment to the bill to enlarge the penitentiary.

The amendment to the latter bill was taken up and read.

Resolved, That the senate insist on their amendment to said bill, and that Mr. M'Afee inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit :

1. an act to enlarge the penitentiary ; 2. an act to appoint trustees to the town of Mountvernon and for other purposes ; 3. an act providing for the paying the commissioners under the compact with Virginia ; 4. an act for the benefit of Esther Grimes ; 5. an act for the benefit of the widow and heirs of John D. Gray : were severally read the first time.

The rule being dispensed with, they were read a second and third times (the first having been amended at the clerk's table.)

Resolved, That the said bills do pass, the first as amended, and that the title be, 'an act providing for the more speedy sale of articles manufactured in the penitentiary, and that Mr. M'Afee inform the house of representatives thereof.

Mr Carneal from the select committee appointed for that purpose, reported a bill supplemental to an act concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky.

Which was read the first time.

The rule being dispensed with, it was read a second and third times, (having been engrossed.)

Resolved, That the said bill do pass, and that the title be

as aforesaid, and that Mr. Ward inform the house of representatives thereof.

A bill to repeal part of the sixth section of an act subjecting lands to the payment of debts, was taken up, and the amendment concurred in, with an amendment.

The bill being engrossed was read a third time.

Resolved. That the said bill do pass, and that the title be, 'an act to amend the law subjecting land to the payment of debts,' and that Mr. Blackburn inform the house of representatives thereof.

The bill from the house of representatives to alter the mode of summoning petit jurors, was taken up.

The second section of the bill was read as follows, to wit :

§ 2. *Be it further enacted,* That the county court of each county, in designating the persons under the first section of this act, as petit jurors, shall cause to be put into a box, to be procured for the purpose, on different pieces of paper, the names of at least one hundred discreet, intelligent house keepers, of their respective counties, from which their clerk shall draw the names of thirty, who shall be the persons directed to be summoned under the first section of this act; and the said clerk shall furnish the sheriff with a certified list of the names of the persons thus designated.

Mr. Blackburn moved to amend the section by attaching thereto the following clause, to wit :

Out of the persons so attending, the court shall select a grand jury, leaving a sufficient number to compose one petit jury; and as soon as the business before the grand jury shall be disposed of, the foreman of the grand jury shall report the fact to the court, when they shall be discharged as a grand jury and become petit jurors for the balance of the term.

And the question being taken thereon, it was resolved in the affirmative—Yeas 22, Nays 13.

The yeas and nays being required thereon by Messrs. Blackburn and Gorin, were as follows, to wit :

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Bowman, Blackburn, Carneal, Cowan, Davidson, Dawson, Faulkner, Gorin, Lackey, Lyon, Marshall, M'Asce, Miller, Owens, Parker, Smith, Ward, White and Worthington.

Those who voted in the negative are: Messrs. Barrett, Beauchamp, Carpenter, Ewing, Flournoy, J. L. Hickman, Howard, Mountjoy, Morehead, Pope, Rudd, Towles and Williams.

The bill was further amended at the clerk's table, and Mr. Faulkner moved to lay it on the table until the first day of June next, and the question being taken thereon, it was resolved in the negative—Yeas 9, Nays 25.

The yeas and nays being required thereon by Messrs. Faulkner and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Ballinger, Barbee, Carneal, Cowan, Davidson, Faulkner, Flournoy, Marshall and M'Affee.

Those who voted in the negative are: Messrs. Anderson, Barrett, Beauchamp, Bowman, Blackburn, Carpenter, Dawson, Ewing, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Miller, Mountjoy, Morehead, Owens, Parker, Pope, Rudd, Smith, Towles, Ward, White and Worthington.

The bill was then read a third time.

The question being taken on the passage thereof as amended, it was resolved in the affirmative—Yeas 25, Nays 10.

The yeas and nays being required thereon by Messrs. Faulkner and Gorin, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barrett, Beauchamp, Bowman, Blackburn, Carpenter, Dawson, Ewing, Flournoy, Gorin, J. L. Hickman, Howard, Lackey, Lyon, Miller, Mountjoy, Morehead, Owens, Parker, Pope, Rudd, Smith, White, Williams and Worthington.

Those who voted in the negative are: Messrs. Ballinger, Carneal, Cowan, Davidson, Faulkner, Henderson, Marshall, M'Affee, Towles and Ward.

Resolved, That the said bill as amended do pass, and that the title be, 'an act to alter the mode of summoning juries,' and that Mr. Blackburn inform the house of representatives thereof.

Mr. Faulkner from the committee of privileges and elections, made the following report, to wit:

The committee of privileges and elections, have, according to order, had under consideration the sheriffs' returns from the senatorial districts, and do report the following gentlemen elected, to wit:

1. William B. Blackburn, from the 27th senatorial district, composed of the counties of Woodford and Jessamine.
2. William Mountjoy, from the 24th senatorial district, composed of the counties of Gallatin, Pendleton and Grant.
3. James Davidson, from the 22nd senatorial district, composed of the counties of Lincoln and Rockcastle.

THE SENATE.

21

4. Samuel W. White, from the 18th senatorial district, composed of the county of Shelby.

5. Peter Barrett, from the 36th senatorial district, composed of the county of Harrison.

6. Thomas C. Howard, from the 21st senatorial district; composed of the county of Madison.

7. Charles Morehead, from the 5th senatorial district, composed of the counties of Logan and Simpson.

8. William Worthington, from the 4th senatorial district, composed of the counties of Butler, Grayson and Muhlenburg.

9. Thompson Ward, from the 32nd senatorial district, composed of the counties of Greenup, Lewis and part of Lawrence.

10. John H. Rudd, from the 35th senatorial district, composed of the counties of Nicholas and Bracken.

11. Chittenden Lyon, from the 1st senatorial district, composed of the counties of Caldwell and Livingston, in the place of Dickson Given, resigned.

12. Winslow Parker, from the 33rd senatorial district, composed of the county of Mason, in the place of John Pickett, resigned.

13. Isham Henderson, from the 17th senatorial district, composed of the county of Henry, in the place of David White, Jr. resigned.

14. Thomas Towles, from the 2nd senatorial district, composed of the counties of Henderson, Union and Hopkins, in the place of William R. Weir, resigned.

15. Christopher Miller, from the 12th senatorial district, composed of the counties of Hardin and Bullitt, in the place of James Crutcher, resigned.

16. Samuel L. Williams, from the 30th senatorial district, composed of the counties of Montgomery and Estill, in the place of Samuel L. Williams, resigned.

The committee further report, that the following gentlemen's term of service will expire in the year 1823.

Winslow Parker, from the 33rd senatorial district, composed of the county of Mason.

17. Richard Hickman, from the 29th senatorial district, composed of the county of Clarke.

18. Alexander Lackey, from the 31st senatorial district, composed of the counties of Bath, Floyd, Pike, Perry and part of Lawrence.

19. Alexander Pope, from the 14th senatorial district, composed of the county of Jefferson.

20. Young Ewing, from the 3rd senatorial district, composed of the counties of Christian, Todd and Trigg.

21. Samuel Carpenter, from the 15th senatorial district, composed of the county of Nelson.

Isham Henderson, from the 17th senatorial district, composed of the county of Henry.

22. William P. Roper, from the 31st senatorial district, composed of the county of Fleming, has resigned, and no writ of election has issued to supply his vacancy.

Those whose term of service will expire in the year 1824, are as follows:

23. John J. Marshall, from the 26th senatorial district, composed of the counties of Franklin and Owen.

24. Elias Barbee, from the 13th senatorial district, composed of the counties of Green and Hart.

Thomas Towles from the 2nd senatorial district, composed of the counties of Henderson, Union and Hopkins.

25. John Gorin, from the 7th senatorial district, composed of the county of Barren and part of Monroe.

26. William Owens, from the 8th senatorial district, composed of the counties of Adair and Casey.

27. John Cowan, from the 10th senatorial district, composed of the county of Pulaski.

28. Nathan D. Anderson, from the 11th senatorial district, composed of the counties of Ohio, Daviess and Breckinridge.

Christopher Miller, from the 12th senatorial district, composed of the counties of Hardin and Bullitt.

29. John Faulkner, from the 20th senatorial district, composed of the county of Garrard.

Samuel L. Williams, from the 30th senatorial district, composed of the counties of Montgomery and Estill.

30. Rodes Smith, from the 38th senatorial district, composed of the county of Scott.

Those whose term of service will expire in the year 1825, are as follows:

31. Richard Ballinger, from the 23rd senatorial district, composed of the counties of Knox, Whitley, Clay, Harlan and part of Perry.

32. Anak Dawson, from the 6th senatorial district, composed of the counties of Warren and Allen.

33. Jeroboam Beauchamp, from the 16th senatorial district, composed of the county of Washington.

34. John L. Hickman, from the 37th senatorial district, composed of the county of Bourbon.

35. Thomas D. Carneal, from the 25th senatorial district, composed of the counties of Boone and Campbell.

Chittenden Lyon, from the 1st senatorial district, composed of the counties of Caldwell and Livingston.

36. Granville Bowman, from the 9th senatorial district, composed of the counties of Cumberland, Wayne and part of Monroe.

37. Robert B. M'Affee, from the 19th senatorial district, composed of the county of Mercer.

38. Matthews Flourny, from the 28th senatorial district, composed of the county of Fayette.

JOHN FAULKNER,
JOHN GORIN,
JERO. BEAUCHAMP,
THOMPSON WARD,
THOMAS TOWLES,
CHAS. MOREHEAD,
CHRISTOPHER MILLER.

A bill from the house of representatives to alter the time of holding certain circuit and county courts, was read a third time and amended at the clerk's table.

Resolved, That the said bill as amended do pass, and that Mr. Howard inform the house of representatives thereof.

Messrs. Barbee and Williams from the joint committee of enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

An act making copies of patents evidence in certain cases.

An act providing for paying the commissioners under the compact with Virginia.

An act to appoint trustees to the town of Mountvernon, and for other purposes.

An act to repeal so much of any law as allows a chance-ry term to be held in November, in the county of Logan, and to allow chancery terms to be held in Barren and Warren.

A resolution directing William Wood to pay into the treasury a sum of money.

An act for the benefit of the heirs of Elijah W. Dulany, decd.

An act to establish an election precinct in Logan county.

An act requiring the auditor of public accounts to transcribe certain books and papers in his office.

An act to establish a lunatic asylum.

An act to amend the several acts relative to the town of Henderson.

An act for the formation of the county of Morgan.

An act to endow an asylum for the tuition of the deaf and dumb.

An act for the benefit of Esther Grimes.

An act to alter the time of holding certain circuit and county courts.

An act making further donations to the Louisville Hospital.

An act to amend an act entitled an act for the benefit of Samuel Lewis.

An act authorising a lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.

An act to amend an act entitled an act regulating endorsements on executions.

An act authorising a lottery for the purpose of erecting a house in Lexington for the use of the Medical School.

An act for the benefit of Martin Beatty and others.

An act to amend the law adding a part of the county of Logan to the county of Todd.

An act to incorporate the trustees of the Augusta College.

An act to authorise certain county courts to purchase tools for repairing roads.

An act for the benefit of the widow and heirs of William Finley.

An act to increase the number of justices of the peace in Harlan county.

An act to impose a tax on sales at auction in the county of Fayette for the benefit of the law department of Transylvania University.

An act altering the terms of certain circuit courts and for other purposes.

An act for the benefit of the sheriff of Rockcastle county and for other purposes.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolutions.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

Mr. Ward moved that a message be sent to the house of representatives requesting leave to withdraw a resolution rescinding the resolution for an adjournment and fixing the

The question being taken thereon, it was resolved in the affirmative—Yeas 20, Nays 13.

The yeas and nays being required thereon by Messrs. Mountjoy and Miller, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Barrett, Beauchamp, Bowman, Blackburn, Ewing, Gorin, Howard, Lackey, Lyon, Marshall, M'Afee, Miller, Owens, Parker, Smith, Ward, White, Williams and Worthington.

Those who voted in the negative are: Messrs. Anderson, Carneal, Carpenter, Davidson, Faulkner, Flournoy, Henderson, J. L. Hickman, Mountjoy, Morehead, Pope, Rudd and Towles.

Ordered, That Mr. Ward do carry said message.

The senate received a message from the house of representatives returning said resolution; and the vote whereby it was rejected being reconsidered, it was adopted.

Ordered, That Mr. Ward inform the house of representatives thereof.

The senate received information by the secretary of state, that the governor did, on to day approve and sign sundry enrolled bills which originated in the senate of the following titles, to wit:

An act in relation to the road from Mountsterling to the Virginia line.

An act to establish election precincts in the counties of Graves and Casey.

An act to establish an election precinct in Garrard county—approved 5th December, 1822.

An act concerning the Bank of Kentucky and the Bank of the Commonwealth of Kentucky.

An act making further donations to the Louisville Hospital.

An act to amend an act entitled an act for the benefit of Samuel Lewis.

An act to authorise a lottery for the purpose of draining the ponds in the town of Louisville and adjoining thereto.

An act to establish a lunatic asylum.

An act to amend the several acts relative to the town of Henderson.

An act requiring the auditor of public accounts to transcribe certain books and papers in his office.

An act to endow an asylum for the tuition of the deaf and dumb.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The senate received from the governor by Mr. Anderson, a written message.

The rule being dispensed with, it was taken up and read as follows, to wit :

Gentlemen of the Senate,

I nominate for your advice and consent, the following gentlemen, to be commissioned in and for the county of Calloway, to wit :

Andrew Bell, Arthur H. Davis, Thomas Hill, Jacob Rowland, William Short, Banister Wade, John Hodge, Nicholas Copeland, George Tucker and William Rowlett, justices of the peace ; William Duncan Sheriff, and Henry Darnall, Coroner.

JOHN ADAIR.

December 7th, 1822.

Resolved, That the senate advise and consent to said appointments and that messrs. Lyon and Dawson, inform the governor thereof.

And then the senate adjourned.

MONDAY, DECEMBER 9, 1822.

The senate assembled.

The following bills were reported, to wit :

By Mr. Ewing—a bill to establish an inspection on Big Barren River.

And by Mr. Howard—a bill to amend the several acts for the benefit of Joseph Barnett and his associates.

Which were read the first time.

The rule being dispensed with, they were read a second and third times. (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be as aforesaid, and that Mr. Howard inform the house of representatives thereof.

Mr. Beauchamp presented the petition of sundry citizens of Washington, Green, Adair, Casey and Mercer, praying the formation of a new county out of parts of each of said counties.

Which was read and laid on the table.

The senate received a message from the house of representatives, announcing that they insisted on their disagreement to an amendment made by the senate to a bill to en-

large the penitentiary; and asked a committee of conference and had appointed a committee on their part.

Resolved, That the senate consent to said conference and that Mr. M'Afee inform the house of representatives thereof.

Whereupon, messrs. Towles, Marshall and M'Afee, were appointed a committee of conference on the part of the senate.

The amendments made by the house of representatives to bills of the following titles, to wit: an act to amend the militia law, and an act to establish and regulate the town of Louisa in the county of Lawrence were taken up and read.

Resolved, That the senate concur in the former and insist on their disagreement to the latter.

An engrossed bill appropriating money to a school in Washington county, was read a third time.

And the question being taken on the passage thereof, it was resolved the affirmative—Yeas 17, Nays 16.

The yeas and nays being required thereon by Messrs. Davidson and Beauchamp, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Beauchamp, Blackburn, Ewing, Gorin, Howard, Marshall, M'Afee, Mountjoy, Owens, Pope, Rudd, Towles and Ward.

Those who voted in the negative are: Messrs. Bowman, Carneal, Carpenter, Cowan, Davidson, Dawson, Faulkner, Henderson, J. L. Hickman, Lackey, Miller, Morehead, Parker, Smith, White and Williams.

Resolved, That the said bill do pass, and that the title be as aforesaid, and that Mr. Beauchamp inform the house of representatives thereof.

An engrossed bill to amend the several acts concerning champerty and maintainance was read a third time.

Resolved, That the said bill do pass, and that the title be as aforesaid, and that Mr. Beauchamp inform the house of representatives thereof.

A bill allowing compensation to the clerks of the circuit and county courts for ex officio services, was read a second time and laid on the table until the first day of June next.

Mr. Pope from the select committee to whom was referred a bill from the house of representatives to increase the powers of the trustees of the town of Louisville, reported the same without amendment, and it was laid on the table.

Bills from the house of representatives of the following titles, to wit:

1. An act to appropriate the lands east of Tennessee river and between Walker's line and latitude $36^{\circ} 30'$ north; 2. an act to regulate the turnpike road from Georgetown to Cincinnati; 3. an act to change the venue for the trial of John and Samuel Harvy; 4. an act authorising the erection of a bridge across Licking river; 5. an act to amend the several acts providing for the publication of the decisions of the court of appeals; 6. an act for the benefit of Charles Binns and the heirs of Timothy Hixon; 7. an act for the benefit of the heirs of Joel and Judith Noel; 8. an act concerning the board of trustees of the town of Columbus and for other purposes; 9. an act for the benefit of Hiram B. Grooms and others; 10. an act to direct the sheriff of Harlan county to pay over certain moneys and for other purposes; 11. an act for the relief of Nancy Mosely; 12. an act for the establishment of a state road from Lexington to Ghent on the Ohio river; 13. an act for the benefit of the widow and heirs of Robert Loony, deceased; were severally read the first time.

The first bill was laid on the table.

The rule being dispensed with, they were read a second and third times, (the sixth being amended at the clerk's table.)

Resolved, That the said bills (except the fifth,) do pass, the sixth as amended, and that Mr. Williams inform the house of representatives thereof.

A bill from the house of representatives to establish an election precinct in the county of Allen was laid on the table.

A resolution instructing the directory on the part of the state in the Bank of Kentucky to receive the paper of the Bank of the Commonwealth in payment of its debts was taken up and read.

Mr. Pope moved to lay the same on the table until the first of June next, and the question being taken thereon, it was resolved in the affirmative—Yeas 16, Nays 14.

The yeas and nays being required thereon by Messrs. Owens and Pope, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Bowman, Blackburn, Carpenter, Cowan, Davidson, Ewing, Faulkner, J. L. Hickman, Howard, Lackey, Miller, Morehead, Pope, Towles and White.

Those who voted in the negative are: Messrs. Barrett, Beauchamp, Carneal, Dawson, Gorin, Henderson,

Marshall, M'Affee, Mountjoy, Owens, Rudd, Smith, Ward and Worthington.

The senate received a message from the house of representatives announcing that they disagree to the amendments made by the senate to a bill to alter the mode of summoning petit jurors.

The amendments were taken up and read again.

Resolved, That the senate insist on their amendments and that mr. Blackburn inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they adhered to the amendment made to a bill from the senate, to regulate and establish the town of Louisa in the county of Lawrence; and that they asked a conference with the senate on the subject of said disagreement, and had appointed a committee on their part.

Resolved, That the senate consent to said conference and that mr. Ward inform the house of representatives thereof.

Whereupon, messrs. Ward, Lackey and Williams were appointed a committee on the part of the senate.

A resolution from the house of representatives directing a tomb stone to be placed over the grave of James Garrard, late governor of Kentucky, was taken up and unanimously concurred in.

Ordered, That mr. J. L. Hickman, inform the house of representatives thereof.

A bill from the house of representatives directing the sale of certain lands west of the Tennessee river, was laid on the table until the first day of June next.

The senate received several messages from the house of representatives announcing the passage of bills of the following titles, to wit:

1. an act for the appropriation of money;
2. an act for the benefit of the keepers of toll bridges;
3. an act to amend the law providing for the collection of debts due the penitentiary;
4. an act to establish an additional inspection of tobacco in the town of Louisville;
5. an act supplemental to an act entitled an act to establish a lunatic hospital; and
6. an act to authorise the opening a state road from Frankfort to Bowlinggreen.

The four first bills were read the first time.

The rule being dispensed with, they were read a second time, and the second, third and fourth bills a third time.

Resolved, That the second, third and fourth bills do pass, and that mr. Williams inform the house of representatives thereof.

The first bill was committed to a committee of the whole house on the state of the commonwealth.

Mr. Towles from the joint committee of conference of the two houses, concerning the bill to enlarge the penitentiary, made the following report, to wit:

The committee of conference, have, according to order, had under consideration, a bill from the house of representatives, entitled an act to enlarge the penitentiary, with the amendment thereto, adopted by the senate, and have agreed to adopt the bill passed by the house of representatives, with the bill passed by the senate as an amendment thereto, with an additional section amendatory of the whole act.

Be it enacted, That the trustees of Frankfort be, and they are hereby authorised to square the lots on the south east end of the penitentiary, so as to extend the penitentiary south and east: *Provided*, the consent of the proprietors of the adjoining lots can be obtained, and in the event that such consent cannot be obtained, the erection of said wall and building shall be suspended until the further order of the legislature.

The senate received a message from the house of representatives, announcing that they had concurred in said report.

The question being taken thereon, it was resolved in the affirmative—Yeas 16, Nays 15.

The yeas and nays being required thereon by Messrs. Beauchamp and Parker, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barbee, Barrett, Blackburn, Carpenter, Cowan, Davidson, Ewing, Henderson, Howard, Marshall, M'Affee, Parker, Rudd, Towles, Ward and White.

Those who voted in the negative are: Messrs. Anderson, Beauchamp, Bowman, Carneal, Dawson, Faulkner, Gorin, J. L. Hickman, Miller, Mountjoy, Morehead, Owens, Pope, Smith and Worthington.

Resolved, That the senate concur in said report and that Mr. M'Affee inform the house of representatives thereof.

A bill for the benefit of the heirs of William Green was read a second time, and the question being taken on engrossing and reading said bill a third time, it was resolved in the negative.

And so the said bill was rejected.

Mr. Howard presented the petition of Green Clay, praying that a law may be passed authorising the surveying the treasury warrant claims west of the Tennessee river.

Which was read and committed to the committee for courts of justice.

The senate received a message from the house of representatives, announcing that they had concurred in the amendment made by the senate to a bill for the benefit of Charles Binns and the heirs of Timothy Hixon, and that they insisted upon their disagreement to the amendment made by the senate to a bill to alter the mode of summoning petit jurors.

The senate then, according to the standing order of the day, resolved itself into a committee of the whole house on the state of the commonwealth, Mr. Blackburn in the chair, and after some time spent therein, Mr. Speaker resumed the chair, and Mr. Blackburn reported, that the committee had, according to order, had under consideration a bill from the house of representatives, and the memorial of Charles Humphreys, Esq. praying legislative patronage to a compendium of the common law, which he has published; and had gone through the same with amendments to the former, and had come to a resolution upon the latter, which he handed in at the clerk's table.

The amendments to said bill were taken up, concurred in and the bill read a third time.

Resolved, That the said bill as amended do pass, and that Mr. M'Afee inform the house of representatives thereof.

The resolution was laid on the table.

A resolution for printing the laws and journals was taken up and committed to messrs. M'Afee, Marshall and Blackburn.

And then the senate adjourned.

TUESDAY, DECEMBER 10, 1822.

The senate assembled.

The following bills were reported, to wit:

By Mr. Howard—a bill for the benefit of John Jackson.

By Mr. Marshall—a bill for the benefit of the sergeant of the court of appeals.

And by Mr. Bowman—a bill for the benefit of the surveyor of Cumberland county.

Which were severally read the first time.

The rule being dispensed with, they were read a second and third times, (having been engrossed.)

Resolved, That the said bills do pass, and that the titles be as aforesaid.

Mr. M'Afee from the select committee to whom was referred a resolution for printing and binding the acts and journals made the following report, to wit :

Resolved by the General Assembly of the Commonwealth of Kentucky, That two thousand copies of the laws of the present session be printed by the public printer, together with such notes and references as may be furnished by William Littell, to whom that portion of the printing is assigned, and be delivered to the book binders as directed by the act for the appropriation of money, who shall bind the laws of the May session and the present session in one volume, and one hundred and fifty copies of the journals of the last May session shall be bound in a separate volume, and one hundred and fifty copies of the journals of the present session shall be bound in one volume, as printed by Kendall and Russell, and be delivered with binding as heretofore, to the secretary of state for distribution, and that after supplying each member of the legislature with a copy of the laws and journals, and the clerks of the senate and house of representatives, three copies of the laws and journals shall be sent to the Transylvania University. The remaining copies shall be for the use of future legislatures ; and the governor is hereby requested to employ some suitable person to distribute said laws and journals.

Which was concurred in.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

The senate took up the bill from the house of representatives to alter the mode of summoning petit jurors with the amendments of the senate.

Resolved, That the senate insist on their amendments and that they ask a free conference with the house of representatives concerning their disagreement on said amendments, and that Mr. Blackburn inform the house of representatives thereof.

Whereupon, messrs. Blackburn, Ewing, Beauchamp, Ward and Lackey, were appointed a committee on the part of the senate.

The senate received several messages from the house of representatives, announcing that they had passed bills from the senate of the following titles, to wit :

An act to authorise the running and marking the line between the counties of Cumberland and Monroe ; an act to

establish an inspection on Big Barren river ; an act to extend the term of the Henderson circuit court ; an act to amend an act for the benefit of Francis Emerson's heirs ; an act for the benefit of the sergeant of the court of appeals ; an act directing the clerk of the Hardin county court to perform certain duties ; an act to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd ; an act for the benefit of Polly and Betsy Singleton ; an act supplemental to an act entitled an act concerning the Bank of Kentucky and the Bank of the Commonwealth ; an act to establish the town of Waidborough in the county of Calloway and to provide for the sale of lots in said town ; an act to amend the several acts providing for the publication of the decisions of the court of appeals ; an act to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line ; with amendments to the two latter ; and had passed bills of the following titles, to wit : 1. an act to add Montgomery county to the tenth Judicial district and for other purposes ; 2. an act to amend the law concerning the collection of tax on law process ; 3. an act to amend the penal laws ; 4. an act for the benefit of Elizabeth Moore, widow of Hector W. Moore, deceased, and his heirs ; 5. an act to authorise the sale of a part of the real estate of Edward Jenkins, deceased ; 6. an act for the benefit of Reuben Browning ; 7. an act for the divorce of Peter Purcell ; 8. an act for the benefit of Jesse Noland ; 9. an act to amend the law respecting printers ; 10. an act providing for opening a road from Bowlinggreen to the mouth of Clover Creek on the Ohio river ; which bills were read the first time.

The rule being dispensed with, they were all read a second and third times, (except the first.)

The eighth being amended at the clerk's table,

Resolved, That the nine latter bills do pass, the eighth as amended, and that Mr. Ewing inform the house of representatives thereof.

The senate received a message from the house of representatives, announcing that they concurred in all the amendments made to the act for the appropriation of money, except the last.

The amendments were again taken up and read.

Resolved, That the senate recede from said amendment and that Mr. Faulkner inform the house of representatives thereof.

The amendment proposed by the house of representatives to a bill to amend the several acts providing for the publication of the decisions of the court of appeals, was taken up.

The question being taken upon concurring in said amendment, it was resolved in the affirmative—Yeas 22, Nays 8.

The yeas and nays being required thereon by Messrs. Ward and Beauchamp, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Ballinger, Barbee, Barrett, Beauchamp, Bowman, Blackburn, Carpenter, Davidson, Gorin, Henderson, J. L. Hickman, Lackey, Lyon, Miller, Pope, Rudd, Smith, Towles, Ward, Williams and Worthington.

Those who voted in the negative are: Messrs. Carneal, Dawson, Faulkner, Howard, Mountjoy, Morehead, Parker, and White.

Ordered, That Mr. Bowman inform the house of representatives thereof.

The senate received from the governor by the secretary of state, two written messages.

The rule being dispensed with, they were taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent, the following gentlemen, to be commissioned in and for the county of Morgan, to wit:

James Kash, Sheriff; Sanders Montgomery, Coroner; Mason Williams, Edward Wells, Isaac Lycon, Holloway Power, John Hammons, William Lewis, John S. Oakley, John Williams, on the Elk fork of Licking, John Nickell, Joseph Carrell, Fielding Hanks and William Bedell, Justices of the Peace for said county.

JOHN ADAIR.

December 10th, 1822.

Gentlemen of the Senate,

I nominate for your advice and consent, the following gentlemen, to be commissioned during good behaviour, to wit:

Arthur H. Davis, colonel of the 111th regiment, lately formed.

Martin Newman, lieutenant colonel of the same regiment.

Reuben E. Rowland, major of the same regiment.

John C. Dodds, colonel of the 112th regiment, lately formed.

John Anderson, lieutenant colonel of the same regiment.

Richard Graves, major of the same regiment.

Granville Bowman, brigade major of the 10th brigade, in the place of James Durham, resigned.

JOHN ADAIR.

December 10th, 1822.

Resolved, That the senate advise and consent to said appointments, and that messrs. Ward and Lackey inform the Governor thereof.

Mr. Blackburn from the committee of conference on the amendments to the bill to alter the mode of summoning petit jurors, made the following report, to wit:

The committee of conference recommend to each branch of the legislature, the passage of the bill to alter the mode of summoning petit jurors upon the following terms:

The senate recede from its first, second and third amendments; the house of representatives recede from its disagreement to the fourth amendment made by the senate, and each branch agrees to the 5th amendment made by the senate, with an amendment which will make the 11th section read thus:

§ 11. *Be it further enacted*, That in each case in which a verdict shall be rendered, there shall be paid by the party in whose favor the verdict is, before judgment shall be rendered thereon, the sum of one dollar and twenty five cents, which shall be received by the clerk and paid by him into the public treasury at the same time he pays the tax on law process, and the same shall be taxed in the bill of costs against the adverse party and put in the execution which shall issue upon such judgment.

That the senate recede from the sixth and seventh amendments.

This act shall commence and be in force from and after the first day of June next: *Provided however*, that the county courts in each county, shall at their court next preceeding the first day of June, make the selection of jurors agreeable to the first and second sections of this act.

The question being taken upon concurring in said report, it was resolved in the affirmative—Yeas 18, Nays 16.

The yeas and nays being required thereon by Messrs. Faulkner and Blackburn, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barrett, Beauchamp, Blackburn, Carpenter, Ewing, Gorin, J. L. Hickman, Howard, Lyon, Mountjoy, Morehead, Parker, Pope, Rudd, Smith, Towles, White and Williams.

Those who voted in the negative are: Messrs. Ballinger, Barbee, Bowman, Carneal, Cowan, Davidson, Dawson, Faulkner, Henderson, Lackey, Marshall, M'Afee, Miller, Owens, Ward and Worthington.

Ordered, That Mr. Blackburn inform the house of representatives thereof.

Bills from the house of representatives of the following titles, to wit:

1. an act supplemental to an act entitled an act to establish a lunatic Hospital; 2. an act to authorise the opening a state road from Frankfort to Bowlinggreen; were read the first time.

The rule being dispensed with, they were read a second and third times, (the latter having been amended at the clerk's table.)

The question being taken on the passage of the former bill, it was resolved in the affirmative—Yeas 19, Nays 13.

The yeas and nays being required thereon by Messrs. Faulkner and Miller, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Anderson, Barbee, Barrett, Beauchamp, Carneal, Davidson, Dawson, Henderson, J. L. Hickman, Howard, Lackey, Lyon, M'Afee, Miller, Mountjoy, Morehead, Parker, Rudd and White.

Those who voted in the negative are: Messrs. Ballinger, Bowman, Carpenter, Cowan, Faulkner, Gorin, Marshall, Owens, Pope, Smith, Towles, Williams and Worthington.

Resolved, That the said bills do pass, the latter as amended, and that Mr. M'Afee inform the house of representatives thereof.

The Speaker laid before the senate a letter from sundry ladies residing in Frankfort, praying that they may be permitted to perform divine service in the senate chamber during the ensuing year.

Which was read; whereupon, Mr. M'Afee offered a resolution giving leave; an amendment was offered thereto, and the whole laid on the table.

The senate received a message from the house of representatives announcing the adoption of a resolution for the distribution of the public wood.

It was taken up, amended and concurred in.

Ordered, That mr. Ewing inform the house of representatives thereof.

Messrs. Barbee and Williams from the joint committee of enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

An act for the establishment of a state road from Lexington to Ghent on the Ohio river.

An act for the benefit of Charles Binns and the heirs of Timothy Hixon.

An act concerning the board of trustees of the town of Columbus and for other purposes.

An act to direct the sheriff of Harlan county to pay over certain monies and for other purposes.

An act to enlarge the penitentiary and provide for the more speedy sale of the articles manufactured in that institution.

An act to amend the militia law.

An act to amend the law providing for the collection of debts due the penitentiary.

An act to establish an additional inspection of tobacco in the town of Louisville.

An act for the relief of Nancy Mosely.

An act to change the venue for the trial of John and Samuel Harvy.

An act authorising the erection of a bridge across Licking river.

An act for the benefit of the widow and heirs of John D. Gray, deceased.

An act to regulate the turnpike road from Georgetown to Cincinnati.

An act for the benefit of the widow and heirs of Robert Loony, deceased.

An act for the benefit of Hiram B. Grooms and others.

An act for the benefit of the heirs of Joel and Judith Noel.

An act for the benefit of the keepers of toll bridges.

A resolution directing a tomb-stone to be placed over the grave of Jame Garrard, late governor of Kentucky.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolution.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Barbee reported that they had performed that duty.

On motion, leave was given Mr. Carpenter to report a bill supplemental to the act for the appropriation of money.

It was read the first time.

The rule being dispensed with, it was read a second and third times, (having been engrossed.)

Resolved, That the said bill do pass, and that the title be as aforesaid; and that Mr. Faulkner inform the house of representatives thereof.

The senate received information by the secretary of state that the governor did, on this day approve and sign an enrolled bill which originated in the senate entitled an act to amend the militia law.

Ordered, That Mr. Ewing inform the house of representatives thereof.

The amendments proposed by the house of representatives to a bill providing for the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line were taken up and concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

And then the senate adjourned.

WEDNESDAY, DECEMBER 11, 1822.

The senate assembled.

Mr. M'Afee from the select committee to whom was referred a resolution directing the printing and distribution of the report of the school commissioners and the report of the select committee of the house of representatives on education, reported the same with amendments, which were concurred in and the resolution adopted.

Ordered, That Mr. M'Afee inform the house of representatives thereof.

The senate received several messages from the house of representatives, announcing the passage of the following bills from the senate, to wit: An act for the benefit of Isaac Taylor, surveyor of Cumberland county; an act to authorise the insertion of advertisements in the Columbian Spy; an act vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square; an act supplemental to an act for the appropriation of money; an act for the benefit of John

Williams, a lunatic; an act to repeal an act entitled an act concerning Chapline's Fork of Salt River, approved February 10, 1820; an act to change the time for the annual meeting of the legislature; with amendments to the two latter.

Which amendments were taken up and concurred in.

Ordered, That Mr. Ewing inform the house of representatives thereof.

A bill from the house of representatives to add Montgomery county to the tenth judicial district and for other purposes, was read a second time.

And the question being taken on reading the said bill a third time, it was resolved in the negative.

And so the said bill was rejected.

Ordered, That Mr. Ward inform the house of representatives thereof.

Mr. Ward from the joint committee of conference on the following subject, reported, that the committee of conference upon the bill and amendments in relation to the town of Louisa in the county of Lawrence, have had the same under consideration, and recommend the passage of the original bill, with an amendment.

It was concurred in.

Ordered, That Mr. Ward inform the house of representatives thereof.

Ordered, That the public printers print 3000 copies of the act to amend the militia law passed during the present session, to be distributed among the militia officers by the adjutant general.

The senate received a message from the house of representatives, announcing that they concurred in the amendments made to an act for the benefit of Jesse Noland.

Also, to a resolution for printing the report of the commissioners on the subject of free schools; and that they had adopted a resolution from the senate for printing and distributing the laws and journals.

Messrs. Barbee and Williams from the joint committee of enrolments, reported that they had examined sundry enrolled bills and resolutions of the following titles, to wit:

An act to authorise the sale of part of the real estate of Edward Jenkins, deceased.

An act for the appropriation of money.

An act for the divorce of Peter Purcell.

An act supplemental to an act entitled an act to establish a lunatic hospital.

An act to amend the law respecting printers in this commonwealth.

An act to establish the town of Waidborough in the county of Calloway, and to provide for the sale of lots in said town.

An act to amend an act for the benefit of Francis Emerson's heirs.

An act to amend the several acts providing for the publication of the decisions of the court of appeals.

An act to extend the term of the Henderson circuit court.

An act supplemental to an act entitled an act concerning the Bank of Kentucky and the Bank of the Commonwealth.

An act to establish an inspection on Big Barren river.

An act for the benefit of the sergeant of the court of appeals.

An act for the benefit of John Jackson.

An act directing the clerk of Hardin county court to perform certain duties.

An act for the benefit of Polly and Betsy Singleton.

An act to alter the mode of summoning petit jurors.

An act for the benefit of Reuben Browning.

An act for the benefit of Elizabeth Moore, widow of Hector W. Moore, deceased, and his heirs.

An act to amend the penal laws.

An act to amend the law concerning the collection of the tax on law process.

An act providing for opening a road from Bowlinggreen to the mouth of Clover creek on the Ohio river.

An act to authorise the opening a state road from Frankfort to Bowlinggreen.

An act to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd.

An act to authorise the running and marking the line between the counties of Cumberland and Monroe.

An act to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line.

An act to change the time for the annual meeting of the legislature.

An act to establish and regulate the town of Louisa in the county of Lawrence.

An act for the benefit of Jesse Noland and John W. Sterne.

A resolution directing the printing and distribution of the report of the school commissioners and of the report of the select committee of the house of representatives.

An act vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square.

A resolution for printing and distributing the laws and journals.

An act supplemental to the act for the appropriation of money.

An act to suspend an act entitled an act concerning Chapline's fork of Salt River, approved February 10, 1820.

An act to authorise the insertion of certain advertisements in the Columbian Spy.

An act for the benefit of Isaac Taylor, surveyor of Cumberland county.

And had found the same truly enrolled.

The senate received a message from the house of representatives, announcing that their Speaker had signed said bills and resolution.

Whereupon the Speaker of the senate signed them and they were delivered to the joint committee to be laid before the Governor.

And after some time Mr. Williams reported that they had performed that duty.

The senate received from the governor by Mr. Anderson, a written message.

The rule being dispensed with, it was taken up and read as follows, to wit:

Gentlemen of the Senate,

I nominate for your advice and consent Lindsey Martin a justice of the peace in and for the county of Calhoun.

Also, Isaac Harper, major of the 55th regiment in the place of William R. Asher, resigned, to take rank from the 29th December, 1821.

JOHN ADAIR.

December 11th, 1822.

Resolved, That the senate advise and consent to said appointments and that messrs. Owens and Davidson inform the Governor thereof.

The senate received information by the secretary of state that the governor did, on this day, approve and sign sundry enrolled bills and resolutions which originated in the senate of the following titles, to wit:

An act to establish the town of Waidborough in the county of Calloway, and to provide for the sale of lots in said town; an act to establish an inspection on Big Barren river; an act authorising the running and marking the line between the counties of Cumberland and Monroe; an act for the benefit of John Jackson; an act to establish and regulate the town of Louisa in the county of Lawrence; an act to authorise the sale of the real estate of John Williams, a person of unsound mind; an act directing the clerk of the Hardin county court to perform certain duties; an act to authorise the insertion of certain advertisements in the Columbian Spy; an act to amend the several acts providing for the publication of the decisions of the court of appeals; an act to authorise the appointment of a surveyor of the lands set apart for the officers and soldiers of the Virginia state line; an act to amend an act for the benefit of the devisees of John Curd and the heirs of Price Curd; an act supplemental to an act entitled, 'an act concerning the bank of Kentucky and the Bank of the Commonwealth; an act for the benefit of the sergeant of the court of appeals; an act to extend the term of the Henderson circuit court; an act to amend the act for the benefit of Francis Emmer-son's heirs; an act for the benefit of Polly and Betsey Singleton; an act supplemental to an act for the appropriation of money; an act for the benefit of Isaac Taylor, surveyor of Cumberland county; an act vesting the county court of Madison with the power of permitting a house of public worship to be erected on the public square; an act to change the time for the annual meeting of the legislature; an act to suspend an act entitled 'an act concerning Chapline's Fork of Salt River. approved February 10, 1820; a resolution for printing and distributing the laws and journals.

Mr. Beauchamp moved for leave to report the following bill, to wit:

Whereas, during the present session of the legislature, large sums of money have been appropriated to the building and establishing hospitals and other public institutions and the expense of carrying into operation the law altering the mode of summoning petit jurors is uncertain, but will be considerable, and it is doubtful whether the funds of the treasury will be adequate to supply the drains aforesaid: Therefore,

Be it enacted by the General Assembly of the Commonwealth of Kentucky, That the President of the Commonwealth's Bank is hereby required to deduct from the amount

of the notes of the Commonwealth's Bank heretofore ordered to be burnt, a sum sufficient to pay and discharge the several sums directed to be paid out of the treasury by the general law for the appropriation of money, and pay the same to the treasurer.

The question being taken thereon, it was resolved the negative—Yeas 12, Nays 16.

The yeas and nays being required thereon by Messrs. Beauchamp and Dawson, were as follows, to wit:

Those who voted in the affirmative are: Messrs. Barrett, Beauchamp, Dawson, Ewing, Gorin, Henderson, M'Affee, Mountjoy, Morehead, Owens, Smith and Ward.

Those who voted in the negative are: Messrs. Barbee, Bowman, Blackburn, Carneal, Carpenter, Cowan, Davidson, Faulkner, Flourney, J. L. Hickman, Howard, Lyon, Parker, Rudd, Towles and Williams.

The senate received a message from the house of representatives announcing that they had finished their legislative business and were ready to adjourn without day; and that they had appointed a committee on their part to co-operate with one from the senate, to wait on the governor to know of him whether he has any further communications to make.

Ordered, That Mr. Blackburn inform the house of representatives that the senate have finished their legislative business and are now ready to adjourn without day.

Messrs. Blackburn and Howard were appointed a committee on the part of the senate to wait on the governor.

The committee retired and after some time returned and Mr. Blackburn reported, that they had performed the duty assigned them, and were informed by the governor that he had no further communications to make to the legislature.

The Lieutenant Governor delivered a valedictory address and adjourned the senate without day.

And having retired, Mr. Ewing was called to the chair, and Mr. Ward offered the following resolution, to wit:

Resolved by the Senate of Kentucky, That from the able, impartial and prompt manner in which WILLIAM T. BARRY, Esq. has discharged his duties as Speaker of the Senate during the present session, he is entitled to the thanks of this body.

Which was unanimously adopted.